

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR MONTGOMERY COUNTY

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PETITION OF T-MOBILE NORTHEAST, LLC : Case No. S-2811  
and SUNSHINE FARMS, LLC : OZAH No. 11-35

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10           A hearing in the above-entitled matter was held on  
11  
12   September 16, 2011, commencing at 9:40 a.m., at the Council  
13   Office Building, Davidson Memorial Hearing Room, 2nd Floor,  
14   100 Maryland Avenue, Rockville, Maryland 20850 before:

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Martin L. Grossman, Hearing Examiner

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A P P E A R A N C E S

ON BEHALF OF THE APPLICANT T-MOBILE:

Sean P. Hughes, Esq.  
6339 Ten Oaks Road, Suite 305  
Clarksville, Maryland 21029

Page

WITNESSES:

Jacob Goralski Expert in Site Design of Telecom Facilities Allpro Consulting Group, Inc. 9221 Lyndon B. Johnson Freeway, Suite 204 Dallas, Texas 75243	22/32/36/57 64/67
Oakleigh Thorne Expert in Real Estate Appraisal Thorne Consultants, Inc. 10605 Concord Street, Suite 420 Kensington, Maryland 20895	70/76/77/97
Curtis Jews Expert in Radio Frequency T-Mobile	108/143/162
Hillorie Morrison Expert in Land Use Planning Network Building and Consulting, LLC 7380 Coca Cola Drive, Suite 106 Hanover, Maryland 20176	166/198/208/209
Joshua Hockstra Neighbor in Opposition 2612 Triadelphia Lake Road Brookeville, Maryland 20833	20/32/43/57/67/76 97/143/198/209 211/214/218/220

ALSO PRESENT:

Kevin Fay  
25 West Middle Lane  
Rockville, Maryland 20850

E X H I B I T S

		<u>Marked</u>	<u>Received</u>
Exhibit No. 21	Affidavit of Posting	13	210
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1                                    P R O C E E D I N G S

2                    MR. GROSSMAN:    This is a public hearing in the  
3    matter of T-Mobile Northeast, LLC and Sunshine Farms, LLC,  
4    Board of Appeals No. S-2811, OZAH No. 11-35, petition for a  
5    special exception under Code Section 59-G-2.58.    The  
6    petitioner is seeking special exception to construct an  
7    unmanned wireless telecommunications facility on a 120-foot  
8    tall monopole and an associated equipment area.    The subject  
9    property is Parcel P-253 located at 22611 Georgia Avenue,  
10    Brookeville, Maryland in the RC Zone.    The site is on land  
11    owned by the co-applicant, Sunshine Farms, LLC, and the RC  
12    Zone permits telecommunications facilities by special  
13    exception.

14                    This hearing is conducted on behalf of the Board  
15    of Appeals.    My name is Martin Grossman.    I'm the hearing  
16    examiner which means I will take evidence and write a report  
17    and recommendation to the Board of Appeals which will make  
18    the decision in this case.    Will the parties identify  
19    themselves, please, for the record?

20                    MR. HUGHES:    Yes, sir.    Sean Hughes on behalf of  
21    T-Mobile.

22                    MR. GROSSMAN:    And with you?

23                    MR. HUGHES:    Ms. Hillorie Morrison on behalf of T-  
24    Mobile.

25                    MR. GROSSMAN:    Hello, Ms. Morrison.

1 MS. MORRISON: Hello.

2 MR. GROSSMAN: All right. And is there anybody in  
3 the audience here who is not a witness to be called by Mr.  
4 Hughes and wishes to be heard? Yes, sir.

5 MR. HOCKSTRA: Joshua Hockstra.

6 MR. GROSSMAN: Joshua Hockstra did you say?

7 MR. HOCKSTRA: Yes. H-O --

8 MR. GROSSMAN: How do you spell that?

9 MR. HOCKSTRA: H-O-C-K-S-T-R-A.

10 MR. GROSSMAN: All right. And you wish to --

11 MR. HOCKSTRA: I=m a Montgomery County citizen.

12 MR. GROSSMAN: Okay. You wish to give testimony  
13 today?

14 MR. HOCKSTRA: Sure. Yes.

15 MR. GROSSMAN: And what=s your address, please,  
16 sir?

17 MR. HOCKSTRA: 2612 Triadelphia Lake Road.

18 MR. GROSSMAN: Which is where?

19 MR. HOCKSTRA: Brookeville.

20 MR. GROSSMAN: All right. What=s your zip code?

21 MR. HOCKSTRA: 20833.

22 MR. GROSSMAN: The reason I ask is that when we  
23 send out notice, when my report is ready, we send out a  
24 notice to those who have testified in the hearing and, that  
25 the report has been posted online so that you can look at

1     whatever the report is. And you wish to testify for,  
2     against or just comment on this?

3             MR. HOCKSTRA: Comment against.

4             MR. GROSSMAN: Okay. All right. Sir?

5             MR. FAY: Kevin Fay. F as in Frank, A-Y. 25 West  
6     Middle Lane.

7             MR. GROSSMAN: West, I=m sorry, Midville?

8             MR. FAY: Middle.

9             MR. GROSSMAN: Middle Lane, okay.

10            MR. FAY: West Middle Lane, Rockville, Maryland  
11     20850, and I do not wish to testify.

12            MR. GROSSMAN: Okay. All right. I see no other  
13     hands in the audience so I take it that the only other  
14     witness other than those to be called -- yes, sir?

15            MR. HOCKSTRA: Does everybody have to sign in on  
16     who is present for the sheet. Does that become public, too?

17            MR. GROSSMAN: It is public, yes. This is a  
18     public hearing.

19            MR. HOCKSTRA: Okay.

20            MR. GROSSMAN: And the reason we have the sign in  
21     is actually for purposes of notification.

22            MR. HOCKSTRA: I=m just trying to figure out who  
23     everybody is.

24            MR. GROSSMAN: Oh, okay. Everybody here,  
25     according to, anybody who is here who doesn=t wish to

1     testify does not have to identify themselves. The real  
2     point here is that those who wish to be heard, we want to be  
3     able to send out notice to them when the report is issued.  
4     That=s why we get the names. Okay. All right. So as I was  
5     saying, no one else in the audience has raised a hand so the  
6     only other people who are here are witnesses to be called by  
7     Mr. Hughes.

8             Let me explain a little bit about these  
9     proceedings. These proceedings are a combination of  
10    formality and informality. That is they are conducted  
11    formally in the sense that we operate pretty much the way a  
12    courtroom does. All witnesses are sworn in, they=re subject  
13    to cross-examination and in fact, Mr. Hockstra, why don=t  
14    you come forward and have a seat at Counsel table if you  
15    would. We=re going to give you the opportunity to cross-  
16    examine any of the witnesses called by Mr. Hughes. And  
17    there=s a court reporter who takes everything down. There  
18    will be a transcript of these proceedings. We=re a little  
19    bit more relaxed than a courtroom. The rules of evidence  
20    are pretty similar except the exception of some forms of  
21    hearsay if it=s reliable and probative.

22            In any event, this is for a special exception, and  
23    a special exception is not exactly what it sounds like.  
24    It=s a bit of a misnomer. A special exception is really  
25    what some jurisdictions call a conditional use. That it, it



1 is a use that is permitted by statute if certain conditions  
2 are met. It=s not a variance from the statute that=s  
3 actually used. It=s permitted under the statute if  
4 conditions are met, and those conditions are spelled out in  
5 the statute. There are both general conditions that apply  
6 to almost all special exceptions and there are specific  
7 conditions that apply to this type of special exception, a  
8 telecommunications facility, and those conditions have to be  
9 met by the applicant in order for it to be granted. So  
10 that=s the general run of what it is, of how this proceeding  
11 works and the nature of this request.

12 Let me go through a few preliminary matters. Mr.  
13 Hughes, I=d like, once again, if there are any updated plans  
14 that come in, I=d like electronic copies of any updates and  
15 any other text documents you submit of course or all other  
16 evidence. I would ask that you have one of your witnesses  
17 address the question of the condition of the site in view of  
18 the DPS violation notice referred to in the Technical Staff  
19 Report, Exhibit 20, page 4.

20 By the way, Mr. Hockstra, did you get, have you  
21 seen a copy of the Technical Staff Report? We refer to --  
22 the Technical Staff Report is a report of the Technical  
23 Staff of the Maryland-National Capital Park and Planning  
24 Commission. They review all, there are actually a number of  
25 stages of review for this kind of an application. The first

1 is a review by the Tower Facilities Coordinating Committee,  
2 also known as the Telecommunication Facilities Coordinating  
3 Committee. We refer to it as the Tower Committee, and they  
4 review the question of need in the, in the area.

5 Then it goes to, once the application for special  
6 exception is filed with the Board of Appeals, it goes over  
7 to our office, Office of Zoning and Administrative Hearings.

8 It then is sent over to the Technical Staff of the  
9 Maryland-National Capital Park and Planning Commission.  
10 They then look at all the issues, the land use issues that  
11 surround the application and they produce a report. Have  
12 you seen that report?

13 MR. HOCKSTRA: No.

14 MR. GROSSMAN: Okay. Well, let me make available  
15 to you, I think there were extra copies.

16 MR. HOCKSTRA: The only thing they sent out,  
17 right, the only thing they sent us in the mail was the  
18 hearing is this date, some of the people, no addresses,  
19 contact phone numbers.

20 MR. GROSSMAN: Okay. Well, I ask them, there were  
21 extra copies made of this.

22 MR. HUGHES: The Staff Report.

23 MR. GROSSMAN: The Staff Report.

24 MR. HUGHES: I haven=t seen it in here, Mr.  
25 Grossman. I can go get it from your office.

1                   MR. HOCKSTRA: Right. They wanted, I don=t know,  
2     like 10 cents a page to make copies or whatever.

3                   MR. GROSSMAN: No. I have them make, make some  
4     copies.

5                   MR. GORALSKI: I have an extra copy.

6                   MR. GROSSMAN: Okay.

7                   MR. GORALSKI: If you want to hold onto it, that=s  
8     fine.

9                   MR. HUGHES: Is that okay, Mr. Grossman?

10                  MR. GROSSMAN: That=s fine.

11                  MR. HUGHES: Here you are, sir.

12                  MR. GROSSMAN: And I=m going to break for five  
13     minutes to give you an opportunity to read that, Mr.  
14     Hockstra, in a second. Let me just finish these preliminary  
15     matters before I do that. The other thing is, and by the  
16     way, I=m not necessarily suggesting that the violation  
17     notice is any way the subject of this hearing because that  
18     proceeds under a separate track. There was a, as I  
19     understand from the Technical Staff Report, the Department  
20     of Permitting Services cited the subject cite as being in  
21     violation of the zoning requirements for that cite in terms  
22     of storing vehicles on it, and that=s a separate issue from  
23     the proceeding here as to whether this telecommunications  
24     facility is appropriate.

25                  MR. HOCKSTRA: I thought they were both having to

1 do with zoning.

2 MR. GROSSMAN: They do in a way. Well, the one  
3 deals with a violation of the Zoning Ordinance which is  
4 reviewed by a court based on the violation notice. It=s not  
5 before me and I=m not committed to rule on that because I  
6 won=t have the evidence regarding that before me. The  
7 evidence before me will be questions regarding the  
8 telecommunications facility and whether the land use  
9 requirements for a telecommunications facility are  
10 appropriate. So it=s not an, it=s not something I=m  
11 committed to rule on because it is going to be before a  
12 different body to decide those issues. However, I would  
13 like to have this record reflect what the situation is and  
14 there may conceivably be a condition requiring some things.  
15 There always is a condition in our --

16 MR. HOCKSTRA: Right. I would think that you  
17 would want the property to be up to current zoning before  
18 you do a special exemption decision.

19 MR. GROSSMAN: Well, there=s always a condition in  
20 special exceptions that says you have to be consistent with  
21 all federal, state and local requirement so I think that  
22 will be part of that, you know, in general in any event.  
23 It=s just that I don=t litigate here the question of whether  
24 or not they are in violation in this other matter. That=s a  
25 matter handled by Department of Permitting Services and

1     whatever their procedure is.

2             In any event, also, there was a recommendation in  
3     the Technical Staff Report, page 7, regarding landscaping.  
4     They made two suggestions. They wanted natural local  
5     species of plants in terms of screening and they wanted them  
6     to be planted at heights sufficient to provide complete  
7     screening of the, of the compound right from the beginning.

8     So I wanted you to have a witness address whether that will  
9     be done and in what manner.

10            In that connection, I wanted to mention that the  
11     Board Rule 7.2.6A requires that I keep this record open for  
12     15 days after the hearing because the Technical Staff Report  
13     did not arrive here five days in advance of the hearing.

14            MR. HUGHES: How many days was it, Mr. Grossman?

15            MR. GROSSMAN: Fifteen is what the rule says.

16            MR. HUGHES: Oh, and it came five?

17            MR. GROSSMAN: It did not come five days in  
18     advance of the hearing. It came on the 13th and therefore,  
19     we=re required to hold the record open 15 days. It  
20     shouldn=t make a particular difference here because during  
21     that period of time, if you are amending your landscape plan  
22     to change the variety of trees or whatever, you can submit  
23     that and that can be cleared and the record will close in 15  
24     days which I, believe the 15th day actually falls on a  
25     weekend so October 3 becomes the Monday following the 15th

1 day.

2 Are there any other preliminary or procedural  
3 matters?

4 MR. HUGHES: Just whether you would like it now or  
5 after the break, the Affidavit of Posting.

6 MR. GROSSMAN: All right. Let=s have that.

7 MR. HUGHES: Yes, sir.

8 MR. GROSSMAN: Now that=s, you can show that to  
9 Mr. Hockstra. That=s an affidavit by which the applicant  
10 affirms that they have had a notice sign posted on the  
11 premises for the required period of time.

12 MR. HOCKSTRA: Okay.

13 MR. GROSSMAN: That will be Exhibit 21.

14 (Exhibit No. 21 was marked for  
15 identification.)

16 MR. GROSSMAN: All right. Mr. Hockstra, do you  
17 have any preliminary matters that you want to discuss? I  
18 mean, this is not your testimony but I=m going to -- the  
19 procedure we usually follow is the applicant puts on their  
20 case, you, as I say, can cross-examine their witnesses if  
21 you wish.

22 MR. HOCKSTRA: So is it you solely that makes the  
23 decision or does it go --

24 MR. GROSSMAN: I don=t make a decision in this  
25 case. I make a, I create the record that is the record of

1 all the testimony and exhibits. It=s the record that I  
2 create. I make a recommendation. The Board of Appeals, at  
3 a work session, will make the decision in the case.

4 MR. HOCKSTRA: Okay.

5 MR. GROSSMAN: And then that decision is  
6 appealable if you wish to appeal it. You also, after I  
7 issue my report, you have 10 days, if you wish, to, as does  
8 the other side, to request oral argument before the Board of  
9 Appeals and, 10 days from the date the report is issued.  
10 And then if they grant oral argument, you=re not permitted  
11 to go outside of the record. You can=t introduce new facts,  
12 but you can argue if they allow argument. They may not  
13 allow argument. They have the option of allowing it or not.  
14 Do you have any other preliminary matters that you wish to  
15 discuss before we get to this? In terms of --

16 MR. HOCKSTRA: You know, these guys do this all  
17 the time.

18 MR. GROSSMAN: Right. No, I understand.

19 MR. HOCKSTRA: I=m only trying to learn. There=s  
20 a little bit of a learning curve there.

21 MR. GROSSMAN: Sure. That=s why I=m going to give  
22 you some time.

23 MR. HOCKSTRA: I=m a little familiar with, you  
24 know, some of the processes but not totally.

25 MR. GROSSMAN: Okay. That=s why I=m going to give

1     you time to read the Technical Staff Report so you=ll have  
2     an idea of what we=re talking about here. And also, if you  
3     have a scheduling issue, usually I ask the applicant if they  
4     have any objection if you want to be heard first and not  
5     have to wait around throughout the whole hearing hearing all  
6     the witnesses. We usually let members of the community do  
7     that with the consent of the applicant. So you can decide  
8     on that after you read the report, and will that be enough  
9     time, five minutes or so, to go through it?

10           MR. HOCKSTRA: Yeah. That=s fine.

11           MR. GROSSMAN: Okay. All right. It=s about 5 of  
12     10. We=ll come back at 10:00 and resume with the hearing.

13           (Whereupon, at 9:55 a.m., a brief recess was  
14     taken.)

15           MR. GROSSMAN: Mr. Hockstra has now had the  
16     opportunity to read the Technical Staff Report. These don=t  
17     go to the Planning Board. It used to be that these would  
18     go, after the Technical Staff, the Planning Board would  
19     review them. That changed by when the statute, the Zoning  
20     Ordinance was amended. So now they go from the Technical  
21     Staff directly to us. All right. In any event, do you have  
22     an opening statement you wish to make, Mr. Hughes?

23           MR. HUGHES: Very brief. Yes, sir.

24           MR. GROSSMAN: All right. You may do so.

25           MR. HUGHES: Thank you. Good morning. We



1 appreciate the opportunity here on behalf of T-Mobile for  
2 this requested telecom facility to increase the wireless  
3 connectivity in and around this area for the residents, the  
4 visitors, the businesses that are in the area and the  
5 businesses that come to support the homes and farms in the  
6 area for wireless phone but also for wireless high speed  
7 internet.

8           We would note that we believe it=s a very good  
9 cite, an appropriate cite and one that meets the Code. We  
10 do note that the Tower Committee has reviewed this and did  
11 find a need as well for the service and that this proposed  
12 cite was a reasonable cite. They looked at some of the  
13 other potential locations in the area including the Pepco  
14 lines that are nearby. Staff Report, we commend for being  
15 quite thorough and detailed in going through the criteria.  
16 We will have testimony later on to address the question  
17 about the landscaping. We certainly -- there will be  
18 testimony that we have no issue with the recommendation from  
19 Planning Staff on page 7 in the last paragraph, and we  
20 appreciate their recommendation of recommending approval as  
21 well as the Tower Committee=s.

22           We note that wireless is a very valuable asset  
23 now, I mean, most of our lives for essential, nonessential  
24 and emergency communications and that there will be  
25 testimony from our radio frequency engineer how this, what

1 the reliability is now and how it would be greatly enhanced  
2 for the people in the area. And we would note that we, we  
3 believe that it will, this cite, which is proposed about 120  
4 feet, 124 with a lightning rod, will blend in very nicely  
5 with the Pepco lines and towers that run south at about 400  
6 feet. They run east to west. You=ll see some photo sims.  
7 They=re in the file.

8 And so we hope that we can, we hope and believe  
9 we=ll prove the case that shows we meet the criteria under  
10 the County and under the leading special exception  
11 conditional use cases. We appreciate the time for the  
12 opening. Thank you.

13 MR. GROSSMAN: Sure. And how many witnesses do  
14 you plan to call today?

15 MR. HUGHES: We are planning on having three, and  
16 we have one witness I was going to hold back as a rebuttal  
17 witness, Mr. Grossman.

18 MR. GROSSMAN: All right. And who are your  
19 witnesses?

20 MR. HUGHES: We will have, our first witness would  
21 be Mr. Jacob Goralski from the civil engineering firm that  
22 did the plan. Our second witness will be Ms. Hillorie  
23 Morrison.

24 MR. GROSSMAN: She=ll be testifying as an expert  
25 in land use?

1 MR. HUGHES: Yes, sir.

2 MR. GROSSMAN: Okay.

3 MR. HUGHES: And our third witness would be Mr.  
4 Curtis Jews, radio frequency engineer.

5 MR. GROSSMAN: All right.

6 MR. HUGHES: And the fourth witness, as I think  
7 you have in the documents, will be Mr. Oakleigh Thorne who I  
8 think we would, I would have as a rebuttal if needed, sir.

9 MR. GROSSMAN: All right. And he=s an expert in  
10 real estate appraisal if I recall?

11 MR. HUGHES: Yes. Yes, sir.

12 MR. GROSSMAN: All right. Let me turn to Mr.  
13 Hockstra.

14 MR. HOCKSTRA: Yes. I=m ready for opening  
15 statement.

16 MR. GROSSMAN: All right. And do you wish, Mr.  
17 Hockstra, to be, to have your testimony heard out of order,  
18 that is now or do you wish to wait for the entire  
19 proceedings?

20 MR. HOCKSTRA: I=d like to see most of the  
21 proceedings but I=m not sure if there=s a time frame of how  
22 long will it all take.

23 MR. GROSSMAN: Usually, I would say it=s --

24 MR. HOCKSTRA: Well, again, another alternative to  
25 possibly present or testify later on or is it a one-time

1     thing of where you=re asking me right now?

2                 MR. GROSSMAN:   No, no.   If at some point your  
3     schedule becomes --

4                 MR. HOCKSTRA:   Okay.

5                 MR. GROSSMAN:   -- squeezed and --

6                 MR. HOCKSTRA:   Well, I have to pick my daughter up  
7     at 5:00.

8                 MR. GROSSMAN:   Oh, no, no.

9                 MR. HOCKSTRA:   We=re not going to be here that  
10    late.

11                MR. GROSSMAN:   We hope that we=re done.   We hope.

12       Usually, these cases take three hours or so, so you should  
13    be okay on that but if a problem arises, you can always just  
14    indicate that you have a problem and I=m sure we will be  
15    able to squeeze you in.

16                MR. HOCKSTRA:   Okay.   Thank you.

17                MR. GROSSMAN:   All right.   And let me, since  
18    you=re not an attorney, let me swear you in now so that your  
19    opening statement or anything you make can be used as part  
20    of whatever your statement is.   So would you raise your  
21    right hand, please?

22                       (Witness sworn.)

23                MR. GROSSMAN:   All right.   You have an opening  
24    statement.   And once again, this is not your testimony but  
25    just a brief summary of what you expect to prove.

1                   MR. HOCKSTRA:   Okay.

2                   MR. GROSSMAN:   So it=s usually a little bit of a,  
3   once again, misnomer for --

4                   MR. HOCKSTRA:   Okay.   Joshua Hockstra.   I am an  
5   adjoining property owner to the piece of property that=s  
6   bringing this case before the County.   I just want to voice  
7   my concerns with the cell tower being in my backyard.   We=ve  
8   lived at the property for five years and if the cell tower  
9   was there today, I don=t know if we would have bought the  
10   lot and built a house there.

11                  MR. GROSSMAN:   Okay.

12                  MR. HOCKSTRA:   I=m concerned about, you know,  
13   whether or not T-Mobile actually needs a service there.   Are  
14   they just looking to try to profit off of leasing it off to  
15   other mobile carriers whether or not it is the best  
16   alternative spot to be put in the County.   We are in a rural  
17   cluster and it=s going to be a visual pollutant to myself  
18   and adjoining property owners.   We=re on the Triadelphia  
19   Lake Watershed so all the people that come out there to get  
20   out to the country in the rural area are going to be viewing  
21   this tower.   And I have cell phone coverage out at my house  
22   that=s very good so --

23                  MR. GROSSMAN:   Is that T-Mobile?

24                  MR. HOCKSTRA:   No.   It=s not T-Mobile.   And also -  
25   - well, whether the court=s aware of it or not, T-Mobile is

1 in a merger acquisition right now with AT&T, so I just want  
2 to put that in the record.

3 MR. GROSSMAN: Well, I'm aware of it because I  
4 read newspapers but it's not something that I can consider  
5 as part of this. I have no --

6 MR. HOCKSTRA: Okay.

7 MR. GROSSMAN: I have nothing in the record --

8 MR. HOCKSTRA: And I'm greatly concerned, you  
9 know, depreciation of the property value.

10 MR. GROSSMAN: Okay. Nothing in the record is  
11 relevant to whether there's a merger going on. I mean,  
12 nothing that I can consider, you know, would include whether  
13 or not there's a merger. This is strictly a land use  
14 evaluation.

15 MR. HOCKSTRA: Okay.

16 MR. GROSSMAN: Okay. I'm sorry. What was your --

17 MR. HOCKSTRA: So like I stated -- right.

18 MR. GROSSMAN: What was your last sentence?

19 MR. HOCKSTRA: I'm concerned about depreciation in  
20 property value.

21 MR. GROSSMAN: Property value. All right. With  
22 those issues in mind, we'll now turn back to Mr. Hughes.  
23 You wish to call your first witness, Mr. Hughes.

24 MR. HUGHES: Yes. Thank you, Mr. Grossman. Our  
25 first witness will be Mr. Jacob Goralski.

1 MR. GROSSMAN: Mr. Goralski.

2 MR. HUGHES: Can I just pull a chair around?

3 MR. GROSSMAN: Yes. That would be fine.

4 MR. HUGHES: He=s going to swear you in.

5 MR. GROSSMAN: Sure. And perhaps you could slide  
6 that microphone down a bit. All right. Mr. Goralski, would  
7 you raise your right hand, please?

8 (Witness sworn.)

9 MR. GROSSMAN: All right. You may proceed, Mr.  
10 Hughes.

11 MR. HUGHES: Thank you very much.

12 DIRECT EXAMINATION

13 BY MR. HUGHES:

14 Q Mr. Goralski, can you please tell us the name of  
15 your employer?

16 A Allpro Consulting Group.

17 Q And can you tell us a little bit about your  
18 profession, your line of work?

19 A Sure. Basically, we draw and kind of give you a,  
20 I=m sorry, I=m a little nervous right now actually, but we,  
21 we do cell phones, basically what you see here, for any  
22 company, T-Mobile, Spring, AT&T.

23 MR. GROSSMAN: What=s the address of your company?

24 THE WITNESS: 9221 LBJ Freeway.

25 MR. GROSSMAN: Where is that?

1 THE WITNESS: Dallas, Texas.

2 MR. GROSSMAN: All right.

3 THE WITNESS: 75243.

4 BY MR. HUGHES:

5 Q And is it an engineering firm that you work for?

6 A Yeah. It=s a civil engineering, and we do A&E  
7 drawings which is architectural and electrical.

8 Q Can you tell us a little bit about your  
9 educational background, sir?

10 A Yeah. Texas Tech, engineering, civil engineering.  
11 Graduated in 2007.

12 Q Thank you. And --

13 MR. GROSSMAN: Do you have a resume for --

14 MR. HUGHES: Absolutely. Yes. Yes, sir.

15 MR. GROSSMAN: Okay.

16 MR. HUGHES: I=m going to get, just about ready to  
17 get to that, Mr. Grossman.

18 BY MR. HUGHES:

19 Q Can you tell us about any professional training  
20 that you=ve had or you have ongoing?

21 A Well, yeah. I=m state certified EIT.  
22 Basically --

23 MR. GROSSMAN: State, what state?

24 THE WITNESS: Texas. The State of Texas.

25 MR. GROSSMAN: Are you certified in Maryland, too?



1 THE WITNESS: I can be but not for EIT.

2 BY MR. HUGHES:

3 Q Can you explain what EIT is for Mr. Grossman?

4 A Sure. Let me explain that. EIT is we take a  
5 test, it=s an eight hour exam, on a Saturday that basically  
6 goes over everything we=ve learned in college and starts  
7 our, it=s like an apprenticeship of engineering. And we  
8 work underneath a professional engineer for four to five  
9 years with my bachelor=s and then from there, I take another  
10 test and submit a resume of all the work I=ve ever done  
11 under the PE and then I could take another test to get my PE  
12 in the State of Texas. And from there, it can reciprocate  
13 to Maryland which is what my boss has done to get his stamp.

14 MR. GROSSMAN: Well, you pointed to something. I  
15 take it -- is that an exhibit, Mr. Hughes?

16 THE WITNESS: Oh, I apologize.

17 MR. HUGHES: Yes. That=s the, we=ll talk about it  
18 more but, yes, that is the plan that was submitted as part  
19 of the application, sir. Exhibit, that would be Exhibit 4.

20 MR. GROSSMAN: So that=s the, your exhibit where  
21 you have 4A --

22 MR. HUGHES: Yes.

23 MR. GROSSMAN: -- through F. Which one is that,  
24 the title sheet?

25 THE WITNESS: It=s the C one, overall site plan.

1                   MR. GROSSMAN:   Okay.   The overall site plan is 4C  
2   and, Exhibit 4C, and you=re saying your boss -- who is your  
3   boss?

4                   THE WITNESS:   Raj Sehgal.

5                   MR. GROSSMAN:   S-E-G-A-L?

6                   THE WITNESS:   S-E-H-G-A-L.

7                   MR. GROSSMAN:   All right.   And he=s --

8                   THE WITNESS:   He=s a registered professional  
9   engineer in the State of Maryland.

10                  MR. GROSSMAN:   You said you=re, you are registered  
11   as a professional engineer in the State of Texas did you  
12   say?

13                  THE WITNESS:   Negative.   Engineer in training.

14                  MR. GROSSMAN:   Engineer in training.

15                  THE WITNESS:   Yes.   EIT.   And --

16                  MR. GROSSMAN:   All right.

17                  BY MR. HUGHES:

18                  Q    I=d like to provide a document for you to look at,  
19   Mr. Goralski.   Could you identify this document?

20                  A    Yes.

21                  Q    What is it, please?

22                  A    It is my resume.

23                  Q    Okay.

24                  MR. GROSSMAN:   All right.   Let=s mark this as  
25   Exhibit 22.

1 (Exhibit No. 22 was marked for  
2 identification.)

3 MR. GROSSMAN: It=s Goralski or --

4 THE WITNESS: Yes. Goralski.

5 BY MR. HUGHES:

6 Q Mr. Goralski, can you tell us a little bit about  
7 the type of work that you do now and have done in the past  
8 few years?

9 A Sure. A lot of my involvement in these T-Mobile  
10 Northeast projects, we=ll get specific on those, has to do  
11 with if there=s any issues with zoning and civil problems  
12 such as runoff. A lot of times, these sites will have a lot  
13 of gravel that=s put down and they=ll go into another type  
14 of I guess zoning period where I have to explain what we=re  
15 going to do with runoff and stuff like that. That=s where  
16 my expertise came in at first but after a few years of  
17 working there, I go through and learned how to set up  
18 certain sites, how to make them, you know, go through zoning  
19 and get approved for construction.

20 I do that also, and I design cell phone towers  
21 themselves, actually do the design work for failure for  
22 stress ratios, stuff like that, and co-locations, a lot of  
23 stuff like that. People will come and go on a site that=s  
24 existing and I=ll do an analysis of whether or not it will  
25 pass Code.

1 MR. GROSSMAN: And then it=s reviewed by Mr.  
2 Sehgal?

3 THE WITNESS: Yes, sir.

4 MR. GROSSMAN: And certified?

5 THE WITNESS: Yes, sir.

6 BY MR. HUGHES:

7 Q And so it=s true you=ve worked on this site for T-  
8 Mobile?

9 A Absolutely.

10 Q And your view, you were --

11 A Involved.

12 Q -- involved in the drawings of the site.

13 A Yes, sir.

14 Q If this is one site, how many sites like this have  
15 you worked on during your professional career for telecom  
16 type sites?

17 A Total, I mean, I can see probably two to four of  
18 these a day so my involvement, I would say I=ve seen, I=ve  
19 worked on probably 1,000, at least 1,000 sites.

20 Q Okay. So you=ve worked on the T-Mobile project  
21 and you=ve worked on other similar wireless company=s  
22 projects.

23 A Absolutely.

24 MR. HUGHES: Mr. Grossman, I=d like to offer him  
25 as an expert in the civil side of designing telecom

1 facilities.

2 MR. GROSSMAN: As an expert in site design in  
3 telecom facilities?

4 MR. HUGHES: From the civil side, yes, sir. Not  
5 from the radio frequency side.

6 MR. GROSSMAN: In the civil engineering side.

7 MR. HUGHES: Yes, sir.

8 MR. GROSSMAN: You=re not offering him as an  
9 expert in civil engineering but as an expert in site design  
10 of telecommunication facilities.

11 MR. HUGHES: Yes, sir.

12 MR. GROSSMAN: Let me explain this part of the  
13 process to Mr. Hockstra. We have -- when somebody is  
14 proffered as an expert, we have what we call a voir dire.  
15 That is we allow the examination of the witness to determine  
16 his level of expertise and then the, I have to make a  
17 decision as to whether or not he has established a  
18 sufficient knowledge beyond the can of laypeople so that,  
19 which would be of assistance to the fact finder in making a  
20 decision in this case. That=s the nature of an expert.

21 As part of this process, we have this voir dire  
22 and he states what his expertise is and then you=re given  
23 the opportunity to cross-examine him just on that area, that  
24 is the question of his expertise, before we decide whether  
25 or not he should be certified as an expert. And an expert,

1 in the context of litigation, doesn't have to be somebody  
2 who is noted in the field or who has a specific degree. If  
3 they have knowledge in a field that is beyond the can of  
4 laymen and they can offer evidence that will be of  
5 assistance to the fact finder, they can be certified as an  
6 expert, so that=s generally the standard.

7 Let me ask you first, Mr. Goralski, have you ever  
8 testified as an expert before?

9 THE WITNESS: No, I have not.

10 MR. GROSSMAN: Okay. So this will be your first  
11 time.

12 THE WITNESS: Yes, sir.

13 MR. GROSSMAN: Okay. And you said you=ve worked  
14 on perhaps thousands of sites. What exactly have you done  
15 on these thousands of sites?

16 THE WITNESS: Well, generally, I=ll redline and --

17 MR. GROSSMAN: What does that mean?

18 THE WITNESS: That means I=ll -- we, my company  
19 consists of about 12/15 drafters in our building and they=ll  
20 do, allow the drafting and allow their expertise, their  
21 knowledge is and put it together, and then I=ll get a set of  
22 plans and I=ll look them over and make, and start redline  
23 which means finding mistakes, making sure that they=ll be  
24 good to go for the City or the County to assess. And so  
25 that way, I=ll make the process a lot faster for our

1 clients.

2 MR. GROSSMAN: So somebody else has drawn up the  
3 plans for the site in general?

4 THE WITNESS: I have a project manager, a project  
5 manager. In this case, his name is Ryan Madlock (phonetic  
6 sp.) for this site.

7 MR. GROSSMAN: Okay.

8 THE WITNESS: And he also is an expert but he=s  
9 not a civil engineer. And under our supervision, he=s  
10 drawing the sites.

11 MR. GROSSMAN: So you say our supervision. So he  
12 drew up the site plans here under your supervision as a  
13 civil engineer. Is that what you=re saying?

14 THE WITNESS: Under mine and my boss= as well, so  
15 I=ll --

16 MR. GROSSMAN: Of course meaning Mr. Sehgal.

17 THE WITNESS: Yes, sir.

18 MR. GROSSMAN: I see.

19 THE WITNESS: And so we have like kind of a  
20 hierarchy where me and my project manager will draw up a  
21 site and make sure it=s good. Then they=ll get his blessing  
22 before it=s final.

23 MR. GROSSMAN: Okay. So now going back to your  
24 experience on this area because you=ve been offered as an  
25 expert in site design in telecommunications facilities, how

1 many of these telecommunications sites have you actually  
2 done this review on you=re talking about?

3 THE WITNESS: Do you want me to be like specific  
4 to this area or --

5 MR. GROSSMAN: Well, all right. Let=s take  
6 specific to this area first. Well, don=t interrupt. You=re  
7 going to get an opportunity to ask questions. Let=s do  
8 specific to this area first.

9 THE WITNESS: For the State of Maryland?

10 MR. GROSSMAN: All right. Let=s do the State of  
11 Maryland.

12 THE WITNESS: Okay. I would estimate 25 to 30.

13 MR. GROSSMAN: All right. And how about in  
14 Montgomery County?

15 THE WITNESS: That, I=m not sure of.

16 MR. GROSSMAN: Do you have an estimate?

17 THE WITNESS: Probably in the single digits.

18 MR. GROSSMAN: All right. Of the 25 sites in  
19 Maryland that you worked on, how many, if any, have been  
20 approved by the zoning authorities?

21 THE WITNESS: Well, most of them.

22 MR. GROSSMAN: All right. How about in Montgomery  
23 County?

24 THE WITNESS: I=m not sure.

25 MR. GROSSMAN: All right. Now, let=s take



1 overall, not just Maryland or Montgomery County. Overall,  
2 how many of these have you actually reviewed in this  
3 fashion?

4 THE WITNESS: That=s a large, that=s that large  
5 number.

6 MR. GROSSMAN: Thousands?

7 THE WITNESS: Thousands, yeah.

8 MR. GROSSMAN: Okay.

9 THE WITNESS: Because some of these sites I also  
10 do draw up myself. I don=t draw all of them, you know,  
11 that=s --

12 MR. GROSSMAN: You didn=t actually draw this one  
13 up.

14 THE WITNESS: Correct.

15 MR. GROSSMAN: All right. By this one, I mean the  
16 case that=s before me.

17 THE WITNESS: Specifically. But I have worked on  
18 it.

19 MR. GROSSMAN: All right. Mr. Hockstra, do you  
20 have questions of this witness regarding his expertise?

21 CROSS-EXAMINATION

22 BY MR. HOCKSTRA:

23 Q Are you an employee for Allpro or are you a  
24 subcontractor for them?

25 A I am an employee.

1 Q Okay.

2 A We are a subcontractor for T-Mobile.

3 Q Okay. I guess Mr. Grossman, I think he asked, the  
4 question was you're not sure if you've done any approvals  
5 for cell towers in Montgomery County.

6 A Yeah. I'm not sure.

7 Q So you may be an expert in the field but are you  
8 an expert in Montgomery County for getting a cell phone,  
9 doing a civil engineer?

10 A Well, it's --

11 MR. HUGHES: Objection.

12 MR. GROSSMAN: What's your objection?

13 MR. HUGHES: I don't know if it's for him to  
14 conclude whether he's an expert. I think that's up to Mr.  
15 Grossman.

16 MR. GROSSMAN: I think that's fair within the  
17 realm of questions. I'm going to overrule --

18 MR. HUGHES: I just didn't want him to be --

19 MR. GROSSMAN: Right. I'm going to overrule the  
20 objection. You can, you can answer that.

21 THE WITNESS: Okay. Well, I wouldn't say I'm an  
22 expert specifically for Montgomery County because that  
23 doesn't make me a valuable engineer. I've got to be for the  
24 State of Maryland. And so I go by a code for the State of  
25 Maryland and there are specific codes for Montgomery County

1     that we will follow, but to say that I=ve sat down and read  
2     every line of it, no, but I have read a lot of it for the  
3     State of Maryland which reaches out and basically defines a  
4     lot of criteria for every county.

5             Basically, we=ll go through this process and we=ll  
6     get a lot of feedback from the County and it will change our  
7     plans however we need to. I don=t know -- we should touch  
8     base on the landscape plan, but like what=s been in the  
9     thing there for changing up the, the landscape for the  
10    trees, that=s one of the things that we take what we=ve done  
11    in the past for other counties and use in other counties as  
12    well. So the trees that we put in a different site work  
13    there but they=re not specific for this certain area which  
14    is fine.

15            MR. GROSSMAN: They=re not native species here.

16            THE WITNESS: Exactly. So to say that  
17    specifically for Montgomery County, no, I can=t but for the  
18    State of Maryland, yes.

19            MR. GROSSMAN: All right.

20            THE WITNESS: Absolutely.

21            MR. GROSSMAN: Mr. Hockstra?

22            BY MR. HOCKSTRA:

23            Q     What=s your license number for the State of  
24    Maryland?

25            A     I don=t have one.

1 Q Oh, you don=t.

2 A My boss does.

3 Q Okay.

4 A Would you like his?

5 Q Yeah. I guess in order to be an expert in the  
6 State of Maryland, I think it=s relative that you have a  
7 license number and it=s up to date.

8 MR. GROSSMAN: It=s relevant, certainly, whether  
9 he=s licensed. I=m a little bit surprised that the person  
10 is being called who is an engineer in training as opposed to  
11 somebody who is licensed as an engineer. However, as I  
12 mentioned earlier, an expert in court proceedings or any  
13 litigation doesn=t have to be somebody who is licensed. The  
14 crucial points are that they have knowledge that they can,  
15 that they do have knowledge that is beyond the can of laymen  
16 in the area that they=re testifying and that they can offer  
17 evidence that will be of assistance to the fact finder in  
18 making the decision.

19 So that=s really, as I say, I understand your  
20 concern and that=s a legitimate concern. On the other hand,  
21 I have to decide whether or not he has some expertise in  
22 site design, not specifically engineering. They=re not  
23 offering him specifically as an engineering expert. They=re  
24 offering him as an expert in the site design of  
25 telecommunications facilities so that=s what I=m going to

1 address.

2 MR. HOCKSTRA: Okay.

3 MR. GROSSMAN: Do you have any additional  
4 questions?

5 MR. HOCKSTRA: No. No more additional questions.

6 MR. GROSSMAN: All right. Any redirect on this  
7 point?

8 MR. HUGHES: No. No, sir.

9 MR. GROSSMAN: Well, once again, I -- certainly it  
10 would be better if we had somebody who was certified as a  
11 civil engineer since he=s fundamentally talking about  
12 engineering matters but I do find that Mr. Goralski has  
13 expertise in the site design of telecommunications  
14 facilities and so I will accept him as an expert in such.  
15 And then the rest of the, his testimony, the question of  
16 whether he=s licensed and what level he is and the fact he=s  
17 an engineer in training, that will go to the weight that I  
18 give his evidence. All right. You may proceed, Mr. Hughes.

19 MR. HUGHES: Thank you, Mr. Grossman.

20 DIRECT EXAMINATION (Continued)

21 BY MR. HUGHES:

22 Q I=m going to ask you if you=re able to identify a  
23 document which I believe is already in the record as, under  
24 4 which is a drawing.

25 MR. HUGHES: Would you like a small version, Mr.

1 Grossman?

2 MR. GROSSMAN: All right. Thank you.

3 BY MR. HUGHES:

4 Q Do you recognize this document?

5 A Yes, sir.

6 Q And could you tell us what it is?

7 A This is our zoning drawings for Sunshine Farm.

8 Q And what=s the date on that and where do you find  
9 the date on these drawings?

10 A It=s going to be in your title bar on the right-  
11 hand side. The last time these were put into the County is  
12 on April 5th, 2011.

13 Q You can stand here so they can --

14 A Absolutely.

15 Q Thank you.

16 MR. GROSSMAN: All right. So let me, I=m going to  
17 mark the small version of that. I take it that the small  
18 version that you=ve just given me, the 11 x 17 --

19 MR. HUGHES: Yes, sir.

20 MR. GROSSMAN: -- is exact copy of 4A through F.

21 MR. HUGHES: Yes, sir.

22 MR. GROSSMAN: So let me mark then as Exhibit 23,  
23 I presume it will be A through F, and that will be 11 x 17  
24 copies of Exhibit 4. Okay. I guess to make them up  
25 properly, we ought to do A is the survey plat; B is the

1     enlarged site plan; 23C is the overall site plan. You don=t  
2     have to mark the -- I=m just keeping the same lettering  
3     consistent with Exhibit 4 is all. 23E --

4             MR. HUGHES: And, Mr. Grossman, if you=re okay  
5     with it --

6             MR. GROSSMAN: Hold on, hold on one second.

7             MR. HUGHES: Yes, sir.

8             MR. GROSSMAN: 23E is the landscape plan and 23E  
9     is the title sheet. Okay.

10                     (Exhibit No. 23 was marked for  
11                     identification.)

12             MR. HUGHES: Thank you. If it=s all right, we=re  
13     just going to mark this so he, to help him make sure he can  
14     explain what page he=s on.

15             MR. GROSSMAN: Fair enough.

16             MR. HUGHES: And we won=t introduce the large one  
17     because I think you already have one.

18             MR. GROSSMAN: That=s correct.

19             MR. HUGHES: I think you have enough paper  
20     probably.

21             MR. GROSSMAN: Probably. Usually we do.

22             MR. HUGHES: Yes, sir.

23             BY MR. HUGHES:

24             Q     Can you explain, utilizing the exhibit, the  
25     drawing, can you explain the design here, and tell us what

1 sheet you're on, what is the letter so we all can follow it?

2 A This is C.

3 Q C. And it's labeled on the bottom of the page to  
4 help, the other side, as C-1, is that correct?

5 A Yes, sir.

6 Q So can you explain to us, kind of paint the  
7 picture as to how this is designed on the property, how you  
8 access it, et cetera.

9 A Sure. Georgia Avenue is going to be your main  
10 road. There's an existing entrance into the Sunshine Farm  
11 facility and there is a small tree line or a berm I guess.  
12 They're pretty tall. I would say taller than what the  
13 proposed fence line would be. And the road coming in  
14 will --

15 MR. GROSSMAN: Is that existing or is that  
16 planned?

17 THE WITNESS: It's existing.

18 MR. HUGHES: Yes, sir.

19 THE WITNESS: Yeah. And we're going to go, our  
20 back of the fence will be along that tree line.

21 MR. GROSSMAN: Okay.

22 BY MR. HUGHES:

23 Q And is it correct that the facility is on the east  
24 side of that existing tree line?

25 A Yes.



1           Q     And we may have more testimony about the trees and  
2     in fact, I think the Staff Report talks about the height of  
3     those trees.

4           A     We'll touch on that.

5           Q     I apologize.

6           A     Certainly. So the only part that we're going to  
7     be filling in is right here where you're going to make a  
8     right turn. After coming all the way in, you're going to  
9     make a right turn.

10           MR. GROSSMAN: You said right here. So that the  
11     record is clear, where is the right here that you're  
12     referring to?

13           THE WITNESS: Specifically, I would say about,  
14     about 200 feet --

15           BY MR. HUGHES:

16           Q     Is there something on the plan though that, is it  
17     just below where it says in the middle of the page, proposed  
18     20 foot wide access and utility easement? Is it just below  
19     that you're talking about?

20           A     Yes.

21           Q     Okay.

22           A     Yeah.

23           Q     And when you say you're adding here, you mean  
24     you're going to add a little bit of an access road, is that  
25     correct?

1           A     Yes.  It=s going to be a gravel road.

2                   MR. GROSSMAN:  All right.

3                   THE WITNESS:  It=s pretty standard, crushed  
4 limestone.  And there=s going to be a turnaround before the  
5 actual compound itself, and that=s standard also, and go  
6 right up to the site.

7                   BY MR. HUGHES:

8           Q     And can you discuss the setbacks and where they=re  
9 shown on the plan?

10          A     Sure.  What we showed here is all your deeds and  
11 properties.  This was a survey done probably back in  
12 2009/2010.  And our setbacks, you=ll see, you know, drawn  
13 lines.  You go 729 feet to the north, 1,121 feet to the  
14 east, 393 feet to the south of the Pepco, that=s their  
15 easement, not to the tower but to their easement, and then  
16 429 feet to the west, Georgia Avenue.

17          Q     To Georgia Avenue, okay.

18          A     Yeah.

19          Q     And does your plan also show the names of the  
20 adjoining confronting property owners?

21          A     Yes.  Absolutely.  They will be in bold here.

22          Q     Okay.

23          A     Neilson (phonetic sp.).

24          Q     Okay.  All right.  And so based upon the setbacks  
25 that you show to get off the property, it=s fair to say then

1       that there are no offsite dwellings within 300 feet.

2           A       Absolutely not.

3           Q       Do you know roughly how far the closest house  
4       might be, offsite property, if you do?

5           A       Yeah, I do. We looked it up and I believe the  
6       neighbor would be to the northeast, I=m sorry, northwest,  
7       across the street. I would say the entrance into Sunshine  
8       Farms, just west of that, there is a dwelling and I believe  
9       it is a home, and from there to the center of the pole, I  
10       estimate about 625 feet.

11          Q       Okay.

12          A       So definitely more than --

13          Q       More than 300 feet.

14          A       Absolutely.

15               MR. GROSSMAN: Is that, I see something on the, on  
16       this exhibit, Exhibit 23C, that says 429 feet. Is that to  
17       the road?

18               THE WITNESS: Yes.

19               MR. GROSSMAN: Okay. Is there an exhibit that  
20       shows the closest residence or is that just --

21               THE WITNESS: We can show that in an aerial.

22               MR. HUGHES: But it=s not shown on this, no, sir.

23               MR. GROSSMAN: Okay.

24               BY MR. HUGHES:

25          Q       Is it true that part of the reason we didn=t do it

1 is because just on the property itself, it=s more than 300  
2 feet?

3 A Exactly.

4 MR. GROSSMAN: Okay. Which is the statutory  
5 number.

6 MR. HUGHES: Right.

7 MR. GROSSMAN: And so all right. So you=re saying  
8 the closest home is how many feet did you say, 600 and --

9 THE WITNESS: 625.

10 MR. GROSSMAN: 625 feet to the northwest.

11 THE WITNESS: Um-hum.

12 MR. GROSSMAN: And that=s from the pole itself.

13 THE WITNESS: Correct.

14 MR. GROSSMAN: All right. While we=re talking  
15 about distances to the nearest homes, can you tell me how  
16 far you are from Mr. Hockstra=s home?

17 THE WITNESS: I cannot.

18 MR. GROSSMAN: Mr. Hockstra, where are you  
19 located? Are you on this?

20 MR. HOCKSTRA: No. Right. This site plan is  
21 incorrect because I=m an adjoining property owner that=s not  
22 on here, so this evidence for this exhibit is incorrect.

23 MR. GROSSMAN: Okay. Well, where are you on this,  
24 or where is your home?

25 MR. HOCKSTRA: I would be right up there to the

1 right of the north 690 degree, 57 feet, 28 inches east,  
2 322.61 feet or 61 inches. Right there to the right of Hood,  
3 Steven property.

4 MR. GROSSMAN: All right. So you=re not on there.  
5 They have Hood, Steven and they have Glatt (phonetic sp.),  
6 and you=d be between Hood and Glatt where they have the box  
7 saying 120 foot monopole setback?

8 MR. HOCKSTRA: Um-hum.

9 MR. GROSSMAN: Okay. All right. I=m not sure  
10 that that=s, that those are incorrect. They=re just not  
11 showing you in addition to that.

12 MR. HOCKSTRA: I thought he, I thought he said  
13 this shows all the adjoining property owners in his  
14 testimony.

15 BY MR. HUGHES:

16 Q Is it true that your, this is what your record  
17 shows. Is it possible that the gentleman here is very close  
18 but may not actually touch the property? Is that your --

19 A That, that would be -- yeah. Absolutely.

20 MR. HOCKSTRA: I can guarantee to a fact that my  
21 property is staked and I adjoin the property of Sunshine LLC  
22 Farms.

23 MR. GROSSMAN: All right. Well, we=ll deal with  
24 that also but in any event, we=ll let him go on with his  
25 testimony now. Okay.

1 BY MR. HUGHES:

2 Q And could you explain, and if you have to use  
3 another page, please do, can you explain with a little more  
4 detail what the actual telecom compound will be, how it=s  
5 going to be designed?

6 A Sure.

7 Q And then let us know what page you=re going to go  
8 to.

9 A We=re going to flip over to, I believe it=s  
10 Exhibit D on here which is -- okay. This says C2 down on  
11 the title bar.

12 MR. GROSSMAN: Which is 23B.

13 THE WITNESS: Yes, sir.

14 MR. GROSSMAN: Okay. Or 4B.

15 THE WITNESS: There, as you can see, the gravel  
16 road will come right to the site and allow for two parking  
17 spots. This is for maintenance and future, you know,  
18 anybody that wants to come and do any repairs or whatever.  
19 This will be chain link fence all the way around the  
20 compound. We do 50 x 50 here.

21 MR. GROSSMAN: You say here. You have to identify  
22 where you=re talking about.

23 THE WITNESS: I=m sorry. 50 x 50 all the way  
24 around the site, or 50 feet square.

25 MR. GROSSMAN: Okay.

1                   THE WITNESS: Standard. The fence is going to go  
2 up into the tree line and --

3                   MR. GROSSMAN: How tall is that fence?

4                   THE WITNESS: It is eight feet?

5                   MR. GROSSMAN: Well, don=t ask me. You tell me.

6                   BY MR. HUGHES:

7           Q       It should be somewhere on the plan, right?

8           A       It=s a six foot chain link fence. I=m sorry.

9                   MR. GROSSMAN: Okay.

10                  THE WITNESS: Being proposed. And so we=re not  
11 proposing to cut down any trees. In fact, there=s no  
12 vegetation here and --

13                  MR. GROSSMAN: No vegetation here being where?

14                  THE WITNESS: Where we=re proposing our site.

15                  MR. GROSSMAN: Okay.

16                  THE WITNESS: And so in addition to this, we=re  
17 also going to propose a landscape plan which is in the Staff  
18 Report that the, we need to do vegetation that is --

19                  MR. GROSSMAN: Right.

20                  THE WITNESS: -- current.

21                  BY MR. HUGHES:

22           Q       And what else is proposed to be inside the fence,  
23 50 x 50 compound?

24           A       Sure. We=re going to put the monopole in the  
25 center and the proposed T-Mobile on the east side of it.

1 Q Their ground equipment, is that correct?

2 A Yes. It=s going to be a concrete slab.

3 Q And do you have plans, do you have design for  
4 other future carriers?

5 A Absolutely. We have room on each side of the  
6 tower for that.

7 Q And so how many does it show inside, future  
8 carriers, potential future carriers right now? How many  
9 does it show?

10 A Three. Excluding T-Mobile, three new ones.

11 Q Okay.

12 MR. GROSSMAN: I see three locations there. One  
13 is located, it says future on it and then one says BTS-2 and  
14 one says BTS-1. First of all -- and then I see other things  
15 in there. Would you identify what these, exactly what these  
16 cabinets are or what these structures are inside of the  
17 compound?

18 THE WITNESS: Absolutely. The BTS is T-Mobile=s  
19 computer. It=s their outdoor equipment.

20 MR. GROSSMAN: All right. What does BTS stand  
21 for?

22 BY MR. HUGHES:

23 Q If you=re not sure, say you=re not sure.

24 A Yeah. I=m not sure. That would be RF.

25 MR. GROSSMAN: Okay.



1 BY MR. HUGHES:

2 Q When you say RF, radio frequency engineer --

3 A Yes.

4 Q -- testimony?

5 A Yes.

6 MR. GROSSMAN: All right. And so you=re saying  
7 the BTS cabinets are T-Mobile=s?

8 THE WITNESS: Yes, sir.

9 MR. GROSSMAN: I see two of those.

10 THE WITNESS: Um-hum.

11 MR. GROSSMAN: And then I see one labeled future.

12 THE WITNESS: It=s depending on capacity as far as  
13 subscribers in the area.

14 MR. GROSSMAN: All right. And I see something  
15 labeled proposed BBU, B as in boy, B as in boy, U as in  
16 unified, cabinet. What is that?

17 THE WITNESS: Battery backup.

18 MR. GROSSMAN: Okay. So that=s part of your  
19 operation, is that correct?

20 THE WITNESS: Correct.

21 MR. GROSSMAN: And then --

22 THE WITNESS: Everything that=s going to be on  
23 this proposed 10 x 20 concrete pad will be T-Mobile=s  
24 property.

25 MR. GROSSMAN: All right. And then I see in the

1 northeast corner of the concrete pad, it says proposed H  
2 frame with PPC unit. What is that? Halogen light and per  
3 cell unit. What does that mean?

4 THE WITNESS: The PPC unit is your power  
5 protection. They=re going to run your power source onto a  
6 meter which is located east of the concrete pad. It=s label  
7 is proposed four (indiscernible) utility rack. And so your  
8 service will go there and then from there, the power is  
9 going to go into that PPC unit.

10 MR. GROSSMAN: All right.

11 THE WITNESS: That is T-Mobile=s. I guess how  
12 they explain it, they=ll have like a 200 amp service and  
13 from there, they can separate breakers. So it=s a power  
14 protection.

15 MR. GROSSMAN: The halogen light, is that the only  
16 light that will be on the facility?

17 THE WITNESS: Correct.

18 MR. GROSSMAN: Will that be lighted at all times  
19 or just --

20 THE WITNESS: Only during service. There will be  
21 a switch for it.

22 MR. GROSSMAN: Okay.

23 THE WITNESS: And it will be directed down at the  
24 ground, not up in the air.

25 MR. GROSSMAN: Are there any lights at all planned

1 for the tower itself?

2 THE WITNESS: No.

3 MR. GROSSMAN: Okay. And then I see, it looks  
4 like it=s off the pad but within the compound, something  
5 labeled proposed Mesa cabinet on concrete pad. Well, it  
6 says on concrete pad. It has its own concrete pad. What is  
7 a Mesa cabinet?

8 THE WITNESS: I believe in this instance, it=s a  
9 fiber box.

10 MR. GROSSMAN: What does that mean?

11 THE WITNESS: It is when they bring in service for  
12 your telephone and your high-speed internet. It=s a  
13 separate company. Basically, we=ll bring in, it=s just like  
14 the power service, bring it in from offsite. It=s called  
15 Telco. The telephone, your fax, internet will go to there  
16 and then from there, it will go into the BTS.

17 MR. GROSSMAN: All right. Do we know what Mesa  
18 means?

19 THE WITNESS: I do not.

20 MR. GROSSMAN: All right.

21 MR. HUGHES: That=s been a tough question for all  
22 of us.

23 MR. GROSSMAN: Somebody, Mr. Hughes, ought to  
24 figure that out when they do the plans up next time, or not  
25 put the word on.

1                   MR. HUGHES: I think you=re right. We=ve gone  
2 through all the way up to corporate on this, but you=re  
3 right.

4                   MR. GROSSMAN: But somebody had to figure it out  
5 to put the word on in the first place.

6                   MR. HUGHES: You=re absolutely right.

7                   UNIDENTIFIED VOICE: I think it means table.

8                   MR. GROSSMAN: Well, it does but not in English.

9                   MR. HUGHES: Right.

10                  MR. GROSSMAN: Okay. So where on this, on this  
11 compound is there the location for the additional carriers?

12                  THE WITNESS: Well, in reference to the monopole  
13 itself, you=ll have additional space just to the north.

14                  BY MR. HUGHES:

15                  Q     And can you tell us how that=s marked on the plan?  
16                  What does it say?

17                  A     Absolutely. It says future carrier, 10 x 15.

18                  MR. GROSSMAN: All right.

19                  THE WITNESS: And again, they=re to the north, to  
20 the west and to the south.

21                  BY MR. HUGHES:

22                  Q     And it=s identified by the same wording, is that  
23 correct, in a box?

24                  A     With the same, in a box that is different line  
25 style.

1           MR. GROSSMAN:   Okay.   So they=d be on their own  
2 concrete pads.

3           THE WITNESS:   Yes.   Or a shelter.

4           MR. GROSSMAN:   All right.

5           THE WITNESS:   But that=s future.

6           BY MR. HUGHES:

7           Q     It depends on which carriers come along, is that  
8 correct?

9           A     Correct.

10          Q     Is a 50 x 50, 2500 square feet, is that kind of a  
11 standard size in your experience?

12          A     Absolutely.   For T-Mobile towers, it is.

13          MR. GROSSMAN:   And I should correct myself.   Mesa  
14 is an English word too for a flat mountaintop but in any  
15 event -- in terms of the size of these other, I notice  
16 they=re smaller than the concrete pad that you plan for T-  
17 Mobile.   Is that some kind of macho thing or is that -- why  
18 is it that their concrete pads or locations are smaller than  
19 yours.

20          THE WITNESS:   There, there is no reason that I can  
21 think of besides maybe what you said.

22          MR. GROSSMAN:   But the compound is actually large  
23 enough to handle three additional carriers should they,  
24 should they be co-located?

25          THE WITNESS:   Absolutely.

1 MR. GROSSMAN: Okay. All right.

2 BY MR. HUGHES:

3 Q And, sir, can you also identify in your drawing  
4 what the pole will actually look like and if it=s designed  
5 for additional slots on the pole?

6 A Absolutely. We=re going to flip to the next page  
7 which on mine is C-3. I don=t know --

8 MR. GROSSMAN: All right. C-3 is Exhibit --

9 MR. HUGHES: D probably, right? Elevations?

10 MS. MORRISON: Is that the elevation page? That=s  
11 D, yes.

12 THE WITNESS: D.

13 MR. GROSSMAN: Yes. Elevations is 4D and 23D.  
14 For some reason I didn=t label it.

15 MR. HUGHES: Thank you.

16 BY MR. HUGHES:

17 Q Can you explain if you have a drawing on this page  
18 of what the proposed pole will look like and what could be  
19 on it or is proposed on it?

20 A Sure. On the left-hand side of the sheet, you=ll  
21 see, on Exhibit 1, on the sheet tower elevation, you=ll  
22 notice there=s a drawing on the base which kind of depicts  
23 what it will look like in the front of the monopole. And  
24 this is looking west. So if you=re standing east of the  
25 site and looking west, this is what you=ll see. Basically,

1     it=s your 124, or 121 foot monopole and T-Mobile would go on  
2     top.

3           Q     I=m sorry.

4           MR. GROSSMAN:   I think it=s 100 and --

5           THE WITNESS:   I=m sorry.

6           MR. GROSSMAN:   120 foot according to this.

7           THE WITNESS:   120 foot.

8           MR. HUGHES:    Yes, sir.

9           THE WITNESS:   I apologize.

10          BY MR. HUGHES:

11          Q     And then I=m sorry.   I interrupted you.   After the  
12     120 foot pole, and then what did you say?

13          A     Yeah.   That=s where T-Mobile propose to,  
14     Obviously, they built the tower.   They want the top right  
15     and center.

16          Q     Okay.

17          A     And then below that is where other future carriers  
18     will go.

19          Q     As noted on the plan.

20          A     As noted on the plan.

21          Q     And I think you started to mention there=s a, on  
22     the top left-hand corner of this, on the tower elevation,  
23     you have something noted, proposed four foot lightening rod.  
24     Is that correct?

25          A     Absolutely.

1 Q Okay.

2 A And what that does is provide, you know,  
3 grounding. Well, not -- protection from lightening of  
4 course.

5 Q Okay. Thank you.

6 MR. GROSSMAN: I assume also since your, your  
7 antenna would be on the very top of the tower and the actual  
8 antenna stretch above the level of the 120 feet, so the  
9 antenna themselves look like they get up to, if not to 124  
10 feet, then pretty darn close to 124 feet, is that correct?

11 THE WITNESS: I -- well, that would assume that  
12 it=s an eight foot antenna.

13 MR. GROSSMAN: Right.

14 THE WITNESS: It is not what we are proposing. We  
15 are proposing a 59 inch which is --

16 BY MR. HUGHES:

17 Q So this is not to scale so that=s why it may be --

18 A Yes. Yeah. I apologize about that.

19 MR. GROSSMAN: All right. So that=s going to go  
20 about 30, almost 30 inches above the top which is not quite  
21 three feet.

22 THE WITNESS: Correct.

23 MR. GROSSMAN: Okay. All right.

24 THE WITNESS: They will not be above the proposed  
25 lightening rod.



1 BY MR. HUGHES:

2 Q And can you explain the type of platform design  
3 here? Is there going to be a platform or is there going to  
4 be the antenna attached in another fashion?

5 A Well, here we're proposing the T-Arms.

6 Q Can you explain what a T-Arm is?

7 A Sure. It's a steel member that will go onto the,  
8 welded onto the top of the tower.

9 Q And are you pointing right now to what's on that  
10 same page, the right-hand side where it says antenna plan?

11 A Yeah. Number 3 on our plan.

12 Q Okay.

13 A And basically, they'll stick out. That way, they  
14 can get some coverage away from the antenna, and you'll try  
15 and hit three sectors. And that's pretty standard in this  
16 business, alpha, beta, gamma. And so here, these T-Arms are  
17 about 12 feet in length, or in width, and they'll come out  
18 about three feet, of five feet. I'm sorry. It just depends  
19 on what model. We haven't specified. We kind of let that  
20 up to the construction manager, whatever they want to use.

21 Q And this is different than, a lot of monopoles,  
22 including T-Mobile's, often have a platform that you can,  
23 have a little more steel involved and you can actually walk  
24 around, is that correct?

25 A Correct. Either way is good. It just depends on

1     what RF would like to do. He can kind of explain why we  
2     went with this design. He would have more knowledge than I  
3     would.

4             Q     Okay.

5             A     It=s pretty standard. You have two antennas, or  
6     actually, here, we=re just doing one for now and then you=ll  
7     have your future and obviously, there can be future in the  
8     middle as well but it=s just depending on what T-Mobile  
9     would like to do.

10            Q     Thank you.

11                   MR. HUGHES: Those would be my questions for him,  
12     Mr. Grossman.

13                   MR. GROSSMAN: All right. Mr. Hockstra, do you  
14     have questions of this witness?

15                               CROSS-EXAMINATION (Continued)

16                   BY MR. HOCKSTRA:

17             Q     How did you determine that location for the  
18     monopole on the site plan?

19             A     Well, it=s a good question. Basically, we try to  
20     find a site that is good for coverage for an RF standpoint  
21     and that is meeting the satisfaction of the landowner.

22                   MR. GROSSMAN: RF meaning radio frequency?

23                   THE WITNESS: Yes, sir. And the landowner. That  
24     way he=s happy and he wants it in a place where we could put  
25     it as well. Also, we try to limit the access drive itself.

1       We don=t want to, you know, build a long road or anything  
2       like that.

3                   BY MR. HOCKSTRA:

4           Q       So you don=t take into account adjoining property  
5       owners per the location? You said you locate it per the  
6       landowner but what about adjoining property owners?

7           A       Well, in this case, no, we did not.

8           Q       Okay. Don=t you think that would have been  
9       important, to place it per some of the joint property -- my  
10      concern would be, or I=ll show you.

11                  MR. GROSSMAN: Well, before you have your concern,  
12      ask your question.

13                  MR. HOCKSTRA: Okay.

14                  MR. GROSSMAN: Don=t you think it would be  
15      important -- finish your question. Let him --

16                  BY MR. HOCKSTRA:

17           Q       Don=t you think it would be important maybe to put  
18      it closer to your, you know, Pepco electric poles? Right  
19      now you=re showing it 393 feet away. Why not put it closer?

20                  MR. GROSSMAN: That=s a great question.

21                  BY MR. HOCKSTRA:

22           Q       Why not put it further back on the property in the  
23      corner more off the street?

24                  MR. GROSSMAN: Well, one question at a time.

25                  MR. HOCKSTRA: Okay.

1                   MR. GROSSMAN:   Why not put it closer to the Pepco  
2    lines?

3                   THE WITNESS:   We have to keep a certain distance  
4    away from them.

5                   BY MR. HOCKSTRA:

6           Q       What=s that certain distance?

7                   MR. GROSSMAN:   What is that distance?

8                   MR. HUGHES:    If you know.

9                   THE WITNESS:    Yeah.   That, I=m not sure of.

10                  MR. GROSSMAN:   How can you make sure you=re a  
11    certain distance if you don=t know what the certain distance  
12    is?

13                  THE WITNESS:    It=s, it=s a minimum of 300 from the  
14    adjoining property.   And then from their, their standards  
15    for Pepco, I=m not sure but 300 is usually enough, so in  
16    order for us to go further this way, we would have to look  
17    at that.

18                  MR. GROSSMAN:   This way being further south.

19                  THE WITNESS:    Further south, closer to the  
20    telephone lines, or the power lines.

21                  MR. GROSSMAN:   So you are currently 393 feet from  
22    the Pepco --

23                  THE WITNESS:    From the easement.

24                  MR. GROSSMAN:   Easement, okay.   And you=re  
25    required to be at least 300 feet from the easement you said?

1 THE WITNESS: Right.

2 MR. GROSSMAN: Okay. All right. What was your  
3 second question then, Mr. Hockstra?

4 BY MR. HOCKSTRA:

5 Q Is that 300 foot easement shown on the site plan?

6 A Well, we have to be 300 feet away from the  
7 easement.

8 Q Right. But wouldn't that be marked on the site  
9 plan?

10 A Yeah. We do have it right here.

11 MR. GROSSMAN: It=s shown on Exhibit 23C on the  
12 very, at the bottom of 23C.

13 MR. HOCKSTRA: It shows the setback but it doesn=t  
14 show that it needs to be a maximum of 300 feet away from the  
15 line.

16 MR. GROSSMAN: I think he=s talking about the  
17 Zoning Ordinance requirement.

18 MR. HOCKSTRA: I guess I=d like clarification,  
19 something in writing that Pepco says it=s got to be 300 feet  
20 off of there.

21 MR. GROSSMAN: I don=t think he=s actually  
22 referring to Pepco. The, I think what he=s actually  
23 referring to is Zoning Ordinance 59-G-2.58 which -- let=s  
24 see what the setback is in agricultural zones. I know it=s  
25 300 feet from the nearby residents.

1 MR. HUGHES: Outside dwelling, yes, sir.

2 MR. GROSSMAN: Outside dwelling. I'm not sure  
3 that it's 300 feet from the --

4 THE WITNESS: Yeah. I believe it's one for one.

5 MR. GROSSMAN: Okay. In agriculture and  
6 residential zones, distance of one foot from the property  
7 line for every foot of height in the support structure, so  
8 I'm not sure where the 300 feet comes from. Do we have an  
9 answer for that, Mr. Goralski?

10 THE WITNESS: I do not.

11 MR. GROSSMAN: Okay. Perhaps you'll have a  
12 witness who can explain that.

13 MR. HUGHES: Yes, sir.

14 MR. GROSSMAN: Okay. All right.

15 BY MR. HOCKSTRA:

16 Q How come --

17 MR. GROSSMAN: Good question, Mr. Hockstra.

18 BY MR. HOCKSTRA:

19 Q -- you didn't locate the pole towards the rear of  
20 the property where there's really no adjoining property  
21 owners?

22 MR. GROSSMAN: Let me make sure I understand what  
23 you mean by the rear of the property.

24 MR. HOCKSTRA: Correct. Towards the --

25 MR. GROSSMAN: The east?

1 MR. HOCKSTRA: Yes. Towards the east.

2 MR. GROSSMAN: Okay.

3 MR. HOCKSTRA: Further back towards the east,  
4 further off of Georgia Avenue and towards the east.

5 MR. GROSSMAN: All right. What about that?

6 THE WITNESS: The property owner gave us very  
7 specific areas where we could go and so where we went is  
8 right here is what we agreed on. As far as going over  
9 here --

10 MR. GROSSMAN: Over here being further --

11 THE WITNESS: Further, further east and further  
12 south, he would not allow us to go there.

13 MR. GROSSMAN: Okay. I should mention, I mean, I  
14 think these are, I say these are very good legitimate  
15 questions. On the other hand, what I have to evaluate is  
16 the project that they have proposed and whether that meets  
17 the --

18 MR. HOCKSTRA: County guidelines.

19 MR. GROSSMAN: -- zoning requirements. There are  
20 often an infinite number of alternatives, not only to this  
21 but all other special exceptions that I am at review, of  
22 other possible locations of things, but I have to review the  
23 one that=s before me. But I think that=s a very legitimate  
24 inquiry, I mean, in terms of minimizing impacts on the  
25 surrounding area, why is it here rather than there, so I=m

1 not criticizing the question. I'm just mentioning to you  
2 that I still have to review, and they're entitled to have  
3 presented to me and then to the Board of Appeals whatever  
4 location they decide on that is appropriate for them.

5 THE WITNESS: And to further answer your question,  
6 it's also an access thing, too. So if we were to build on  
7 there, we'd have to build a road and it's a money issue, it  
8 would be more expensive. Here, it makes sense as far as  
9 everybody concerned.

10 MR. GROSSMAN: Okay. I don't consider the money  
11 issue in my evaluation.

12 THE WITNESS: Sure. I apologize.

13 MR. GROSSMAN: But there would be a road which  
14 would be a further intrusion into the land.

15 THE WITNESS: Yeah.

16 MR. GROSSMAN: I understand that. Any additional  
17 questions, Mr. Hockstra?

18 BY MR. HOCKSTRA:

19 Q Are you involved with picking the site location or  
20 just designing the site?

21 A Designing the site.

22 Q Okay.

23 MR. GROSSMAN: Okay. Anything else of this  
24 witness?

25 BY MR. HOCKSTRA:



1 Q Is there --

2 MR. GROSSMAN: I'm going to ask him to stay around  
3 in case there are other questions that come up.

4 BY MR. HOCKSTRA:

5 Q Is there a light at the top of the pole or no?

6 A No.

7 Q Okay. No aerial flashing light like you see on  
8 certain structures that are of a certain height?

9 A If it's a certain height, it is but 120 feet, no.

10 Q Okay.

11 MR. GROSSMAN: It meets FCC --

12 THE WITNESS: Correct.

13 MR. GROSSMAN: -- or FAA regulations?

14 THE WITNESS: Correct.

15 MR. HUGHES: And we'll have additional testimony  
16 and documentation, sir.

17 MR. GROSSMAN: Okay.

18 MR. HOCKSTRA: No questions. No further  
19 questions.

20 MR. GROSSMAN: Any redirect of this witness?

21 MR. HUGHES: Just a few.

22 MR. GROSSMAN: Okay.

23 REDIRECT EXAMINATION

24 BY MR. HUGHES:

25 Q You mentioned the access road. About how much are

1     you adding, how far are we adding onto the existing access  
2     road?

3           A     I would say about 40 feet.

4           Q     And is it true that if we are to move it much  
5     further, a long access road would have to be included and  
6     besides, there may be costs, but there's environmental  
7     considerations involved, is that correct?

8           A     Absolutely. Further litigations and further  
9     design.

10          Q     Are you aware, if you are --

11          A     Sure.

12          Q     Are you aware if there's, as noted on the Staff  
13     Report, page 7, that the project is not within the 660 foot  
14     PMA buffer for the Potomac River (indiscernible) to where it  
15     is now?

16          A     Yes.

17          Q     Okay.

18                 MR. GROSSMAN: PMA stands for primary management  
19     area which is an environmental issue. Where is the, where  
20     is the PMA?

21                 MR. HUGHES: If -- I'm asking that.

22                 BY MR. HUGHES:

23          Q     If you know, is it correct that the PMA is moving  
24     over towards the east and southeast? If you know.

25          A     I do not know.

1 Q Okay.

2 MR. GROSSMAN: Perhaps --

3 MR. HUGHES: Another witness.

4 MR. GROSSMAN: Will be able to answer that.

5 BY MR. HUGHES:

6 Q Is it also true that -- you noted part of the  
7 reason was guidance from the landlord for location, is that  
8 true?

9 A (No audible response.)

10 Q It is also true where it is now, it is utilizing a  
11 large berm and large trees which I think you testified to on  
12 the east side?

13 A Correct. And that=s what made it a very good  
14 choice.

15 Q One of the reasons.

16 MR. GROSSMAN: Well, they=re on the west side if  
17 that=s what you mean. The berm and trees are on the --

18 MR. HUGHES: Right.

19 BY MR. HUGHES:

20 Q On the west side, thus shielding the views to the  
21 west.

22 A Shielding from the road.

23 MR. GROSSMAN: Right. You mentioned the east.

24 MR. HUGHES: Oh, I=m sorry. I apologize. Those  
25 would be my --

1                   MR. GROSSMAN: Any recross based on those  
2 additional questions, Mr. Hockstra?

3                                 RE CROSS EXAMINATION

4                   BY MR. HOCKSTRA:

5           Q       Do you have a total square footage of disturbed  
6 area?

7           A       Yeah.

8                   MR. HUGHES: If it=s on your plan.

9                   THE WITNESS: Yeah. It definitely is. Somewhere  
10 around 3800.

11                  MR. GROSSMAN: Well, let=s try to get it.

12                  MR. HUGHES: Yes. Let=s try to get the answer.

13                  THE WITNESS: We should have that exact number.  
14 It was in the 3,000 somewhere.

15                  MR. GROSSMAN: I don=t see it on the plan.

16                                 (Discussion off the record.)

17                  MR. GROSSMAN: All right. Let=s not have any  
18 cross-conversations while you=re -

19                  THE WITNESS: Oh, I apologize.

20                  MR. GROSSMAN: -- while you=re on the witness  
21 stand.

22                  MR. HUGHES: Mr. Grossman, I can either utilize  
23 another witness or I can note something that=s in the record  
24 already.

25                  MR. GROSSMAN: All right. Why don=t you note

1     what=s in the record.

2                 MR. HUGHES:  That will give us some guidance but  
3     we=ll have to see if we can get more detailed in other ways.

4     It does, there is, in the application under the Exhibit 6,  
5     approved forest conservation exemption, an NRI/FSD.

6                 MR. GROSSMAN:  Okay.

7                 MR. HUGHES:  It talks that it did meet that  
8     criteria but in this, I don=t see the actual square footage  
9     so we=ll keep looking for that.

10                MR. GROSSMAN:  Okay.  It did meet the criteria for  
11     an exemption.

12                MR. HUGHES:  Yes, sir.

13                MR. GROSSMAN:  Okay.  All right.  I think that=s  
14     the best answer that this witness can give anyway.  Any  
15     other questions on recross?

16                THE WITNESS:  I can find that exact number if you  
17     need it.

18                BY MR. HOCKSTRA:

19                Q     Are there any required, you know, drainage things  
20     you have to do with the disturbed area?

21                A     Well, since we=re under 5,000 square feet --

22                Q     Okay.

23                A     -- we get the waiver for that.  And in this case,  
24     definitely gravel is 50 percent.  We call it --

25                Q     Permeable.

1           A     Permeable, yeah.

2           Q     Okay.

3           A     And we use a crushed limestone.

4                 MR. HOCKSTRA:  No further questions.

5                 THE WITNESS:  Thank you.

6                 MR. GROSSMAN:  Thank you, sir.  I think that  
7 completes your testimony but hang around in case there=s  
8 something in addition, and congratulations on your first  
9 testimony as an expert.  Now you can tell your wife, if  
10 you=re married, that you=re an expert and she can=t argue  
11 with you about anything you say.  It doesn=t work.  All  
12 right.

13                THE WITNESS:  Thank you.

14                MR. GROSSMAN:  All right.  Your next witness.

15                MR. HUGHES:  Yes, sir.  I would call Mr. Oakleigh  
16 Thorne.

17                MR. GROSSMAN:  So you=re not calling Mr. Thorne as  
18 a rebuttal witness but as a direct witness.

19                MR. HUGHES:  Yes.  Based upon some of the  
20 questions that have come out.

21                MR. GROSSMAN:  All right.  Mr. Thorne, would you  
22 raise your right hand, please?

23                MR. THORNE:  Yes, sir.

24                (Witness sworn.)

25                MR. GROSSMAN:  All right.  You may proceed, Mr.

1 Hughes.

2 DIRECT EXAMINATION

3 BY MR. HUGHES:

4 Q Mr. Thorne, can you tell us about your educational  
5 background and your professional?

6 A I have a bachelor=s degree from the State  
7 University of New York and I studied graduate studies at  
8 American University but I did not matriculate.

9 MR. GROSSMAN: What=s your, what=s your bachelor=s  
10 degree in?

11 THE WITNESS: I was an English major and almost a  
12 double math minor.

13 MR. GROSSMAN: All right. So a bachelor of arts  
14 in English?

15 THE WITNESS: That=s correct.

16 MR. GROSSMAN: From what school?

17 THE WITNESS: The State University of New York.

18 MR. GROSSMAN: All right. Is there a resume that  
19 we can have? It helps if we --

20 MR. HUGHES: I -- yes. In this case, I left the  
21 resume in my office. Now, perhaps if you want me to, I can  
22 copy those if we have a break. His resume is in file on  
23 multiple other ones but that was my error. I do not have  
24 his resume. I can have him talk a little bit more about  
25 what=s on there.

1 MR. GROSSMAN: All right. Why don=t you do that.

2 MR. HUGHES: Thank you.

3 BY MR. HUGHES:

4 Q Can you tell us a little bit more about your bio,  
5 your professional background, your resume?

6 A I started in the appraisal industry in  
7 Poughkeepsie, New York.

8 MR. GROSSMAN: Appraisal of what?

9 THE WITNESS: Commercial property, farms and  
10 industrial and office retail type shopping centers, in 1965.

11 I came to this region in 1969 and worked for a number of  
12 national companies as a real estate appraiser and an  
13 advisor/consultant/counselor with regard to market studies,  
14 feasibility studies, primarily throughout the United States  
15 and in Barbados and Alaska. I hold the MAI designation of  
16 the Appraisal Institute.

17 MR. GROSSMAN: What does that mean?

18 THE WITNESS: Member of the Appraisal Institute.  
19 It means that you=re qualified to do commercial appraisal  
20 work on shopping centers, office buildings and retail  
21 structures. I also hold --

22 MR. GROSSMAN: What do the initials M-A-I stand  
23 for?

24 THE WITNESS: Member of the Appraisals Institute.

25 MR. GROSSMAN: I see. Okay.



1           THE WITNESS: But that=s the highest level you can  
2   attain which is your, not license but you carry a  
3   designation that you=re qualified to appraise all types of  
4   commercial and industrial properties.

5           MR. GROSSMAN: Are you saying there is no license  
6   for this type of work?

7           THE WITNESS: Yes, there is. And I=m a certified  
8   general real estate appraiser licensed in the State of  
9   Maryland, the District of Columbia and the Commonwealth of  
10   Virginia, and have held those licenses uninterrupted since I  
11   think 1991 or 1992 when the licensing laws were enacted.

12          MR. GROSSMAN: And what=s your license number for  
13   that?

14          THE WITNESS: I think the Maryland license is No.  
15   1956. I don=t keep those in memory but --

16          MR. GROSSMAN: All right. And what I don=t  
17   understand is you said that the highest level of  
18   certification you can have is this MAI but then you said  
19   that you=re licensed in Maryland, so why isn=t that a higher  
20   level of -- I=m not sure I understand the distinction.

21          THE WITNESS: The education requirements to earn  
22   the MAI designation far exceeds the licensing requirements.

23          MR. GROSSMAN: I see. All right. In any event,  
24   you=re currently licensed in Maryland for real estate  
25   appraisal.

1           THE WITNESS: Yes. There are two licenses. A  
2   residential appraisal, appraiser, which I am not. I'm  
3   certified as, I'm licensed as a certified general real  
4   estate appraiser which is I am now permitted to do  
5   appraisals of all types of real estate. The residential  
6   appraiser cannot appraise anything greater than a four unit  
7   apartment complex.

8           MR. GROSSMAN: I see. But yours is a general  
9   certification so you can do any appraisals.

10          THE WITNESS: That=s correct.

11          MR. GROSSMAN: Okay. All right. Have you ever  
12   testified as an expert before?

13          THE WITNESS: Numerous times.

14          MR. GROSSMAN: And where was that?

15          THE WITNESS: In hearings in Montgomery County,  
16   Cecil, Caroline, Salisbury, Howard, Baltimore City,  
17   Baltimore County, Fairfax County, Loudoun County,  
18   Hartford --

19          MR. GROSSMAN: All right. That=s enough counties.  
20   Let me --

21          THE WITNESS: Hartford County. And there may be  
22   more but I can=t remember them all.

23          MR. GROSSMAN: And in Montgomery County, did you  
24   testify before the hearing examiner or --

25          THE WITNESS: Yes. I=ve testified multiple times

1       since 1998 in this venue.

2               MR. GROSSMAN:   Okay.

3               THE WITNESS:   And also in the Circuit Courts.

4               MR. GROSSMAN:   Do you remember what cases you were  
5       before a hearing examiner?

6               THE WITNESS:   I know that there was one off, a  
7       cellular telephone monopole application off of River Road  
8       some time ago.   These go back several years.   I=ve attended  
9       at a number of hearings but have not testified.   I was  
10      brought up as a rebuttal witness so I may not have  
11      testified.   But I know that there were other applications  
12      for a cellular devices on top of a water tower in the City  
13      of Rockville.

14              MR. GROSSMAN:   Where you=ve actually testified as  
15      an expert.

16              THE WITNESS:   Yes.

17              MR. GROSSMAN:   Where a hearing examiner has told  
18      you that, has accepted you as an expert witness.

19              THE WITNESS:   Yes.

20              MR. GROSSMAN:   Okay.   Do you remember who the  
21      hearing examiner was?

22              THE WITNESS:   No.   I don=t but I remember it was a  
23      lady, but this was a couple of years ago.

24              MR. GROSSMAN:   Francoise Carrier?

25              THE WITNESS:   Yes.   Could have been.

1                   MR. GROSSMAN: All right. Any additional  
2 questions regarding his qualifications?

3                   BY MR. HUGHES:

4           Q     Do you remember if perhaps in front of Ms. Carrier  
5 you may have testified for a T-Mobile case at the Hillandale  
6 Swim Club in Oak, White Oak, I=m sorry?

7           A     Yes. That=s correct.

8           Q     Do you recall --

9                   MR. GROSSMAN: It was 2709? Is that what that  
10 was?

11                  MR. HUGHES: That=s right. Yes, sir.

12                  MR. GROSSMAN: Okay.

13                  MR. HUGHES: Yes, sir.

14                  BY MR. HUGHES:

15           Q     And do you recall, I don=t recall, T-Mobile had  
16 won Wildcat Road in the fall of last year, do you recall if  
17 you testified before, perhaps before Ms. Robeson in that  
18 one?

19           A     Yes. That=s correct.

20                  MR. HUGHES: Thank you, Mr. Grossman.

21                  MR. GROSSMAN: Mr. Hockstra, any questions  
22 regarding this witness= expertise as a real estate  
23 appraiser?

24                  MR. HOCKSTRA: Just, just one question.

25                  MR. GROSSMAN: Sure.

1 CROSS-EXAMINATION

2 BY MR. HOCKSTRA:

3 Q Are you licensed to real estate appraisal in  
4 Maryland for residential real estate?

5 A Certified general real estate appraisers can  
6 appraise all real estate.

7 Q Okay.

8 A All forms of real estate, whether it=s residential  
9 or commercial.

10 Q And that=s that MAI certified?

11 A No. Well, yes. I mean, the MAI can appraise all  
12 types of property. The certified general real estate  
13 appraiser can appraise all types of property. The certified  
14 residential appraiser can only appraise residential property  
15 up to a four unit complex. That=s all you can appraise.

16 MR. GROSSMAN: If I understood his testimony, he  
17 has both the MAI, a private --

18 MR. HUGHES: National institute.

19 MR. GROSSMAN: -- national thing but the Maryland  
20 licensure that he has is for general appraisal and that  
21 includes residential or commercial, whereas there is a  
22 subcategory, apparently, of residential appraiser which you  
23 can get but he=s got something that allows him to do both.

24 BY MR. HOCKSTRA:

25 Q Do any banks accept your appraisals for

1 residential property that=s going for sale?

2 A I have not done bank appraisal work since, since  
3 2000 and perhaps 3 or 4. I do not do residential housing  
4 appraisals for banks.

5 Q Okay. All right.

6 MR. GROSSMAN: Anything further?

7 MR. HOCKSTRA: (No audible response.)

8 MR. GROSSMAN: All right. Then I accept this  
9 witness. I presume you=re offering him --

10 MR. HUGHES: Yes.

11 MR. GROSSMAN: -- as an expert in --

12 MR. HUGHES: Real estate appraisal. Yes, sir.

13 MR. GROSSMAN: -- real estate appraisal, and I  
14 accept him as an expert in such.

15 MR. HUGHES: Thank you.

16 DIRECT EXAMINATION (Continued)

17 BY MR. HUGHES:

18 Q Mr. Thorne, have you conducted any studies in  
19 Montgomery County or the surrounding area or been involved  
20 in any studies related to cell towers and any impact on the  
21 areas I guess?

22 A Our firm, Thorne Consultants, has been studying  
23 the impact of cellular telephone monopoles, the traditional  
24 monopoles like this one, since 1998 up through and to and  
25 including March of this year. Those studies, in particular,

1     there=s two in Montgomery County. One is at the Bullis  
2     School at Democracy Boulevard and Falls Road. The other one  
3     in Montgomery County is at Hampshire Greens which is a golf  
4     course community up near Burtonsville up off of 198. The  
5     towers, or let=s say the mushroom stands of the WSSC water  
6     tanks, are on the south side and the north side is a golf  
7     course community. The Bullis school site is a 135 foot  
8     tower that=s at the edge of the recreational field that  
9     abuts within about 180 feet of the back deck of a \$2 million  
10    on Stapleford Court which is a 2 to \$5 million subdivision  
11    of homes. We=ve done those.

12                 In fact, Bullis School, I found out, has been  
13    studied not only by our firm but by several firms and the  
14    reason why the Bullis School has been studied so frequently  
15    is because the pole was incredibly visible. It had not only  
16    a primary carrier but co-locators on the pole. There were  
17    two others. So there were racks, three sets of racks on the  
18    pole. And it=s highly visible and it=s adjacent to a luxury  
19    home subdivisions. All the homes are traditional. They=re  
20    all on 80 to 84,000 square foot, basically two acre lots.  
21    The homes are all between 5 and 6,000 square feet, maybe  
22    7,000 square feet. The prices are in the vicinity of, right  
23    now, 2-and-a-half to probably 4 million. There=s a new  
24    house that=s going up that I=m pretty sure is close to 6  
25    million that has a direct view of the monopole. It=s on the

1 east side of the monopole.

2           The other study was at Hampshire Greens. This is  
3 a golf course community. WSSC erected these incredibly  
4 large mushroom-shaped standpipes for storage of water. As  
5 you're heading towards Burtonsville, they're on the right-  
6 hand side of the road, south side. The golf course  
7 community is on, Hampshire Greens is on the north side. And  
8 there's just a row of 15 homes that are fairway located but  
9 right across their backyards are these mushroom standpipes  
10 of which two of them have been populated, the tops of them  
11 were populated, constructed a number of cellular telephone  
12 devices. Obviously, they don't put a pole on it but they  
13 put a very short rack of pagers and other radio frequency  
14 requirements on the tops of these standpipes. The  
15 standpipes, candidly, are more obtrusive than the tops of  
16 these poles, or the tops of these standpipes. That's been  
17 studied twice.

18           MR. GROSSMAN: But were you studying the impact of  
19 the standpipes on real estate values or were you studying  
20 the impact of the addition of the cellular facilities on top  
21 of those?

22           THE WITNESS: In that case, it's both because it's  
23 just hard to separate these three enormously large mushroom-  
24 shaped structures that come out of the ground that are 150  
25 feet in the air with a very thick stem for where the water



1 goes up into these towers --

2 MR. GROSSMAN: But wouldn't it impossible --

3 THE WITNESS: -- to provide water pressure.

4 MR. GROSSMAN: As to say, wouldn't it be  
5 impossible to say that the cell tower, or not towers but the  
6 cell communications facilities are in any way influencing it  
7 if you have those enormous structures they're on already?

8 THE WITNESS: Some of the sales occurred before  
9 these antennas went up and some of the sales occurred after  
10 these antennas went up and we're trying to depict to see if  
11 there's any impact because of an obtrusive view amenity that  
12 might impair the marketability of the homes.

13 MR. GROSSMAN: Was there any impact from those  
14 telecommunication --

15 THE WITNESS: No.

16 MR. GROSSMAN: -- facilities?

17 THE WITNESS: No.

18 MR. GROSSMAN: What about in the Bullis study?  
19 Are those telecommunications facilities on top of already  
20 existing structures or did you put up a tower?

21 THE WITNESS: No. It's a standalone. It's a  
22 standalone tower just exactly like this one except it's 135  
23 feet.

24 MR. GROSSMAN: Okay.

25 THE WITNESS: And not 124 feet.

1                   MR. GROSSMAN: All right. Well, I'll let you  
2 continue to question him.

3                   BY MR. HUGHES:

4           Q     And what criteria did you use to evaluate this and  
5 what were your conclusions for the Bullis School?

6           A     I should make it clear that I may be holding an  
7 appraiser=s license but the work that=s done on these impact  
8 analyses are not appraisals. Our process, consistently  
9 through all of these studies, Clearview Estates in Howard  
10 County, three lattice towers on the Eastern Shore with  
11 strobe lights because they were above 225 feet, all the way  
12 up to 280, a pole in Owings Mill in Baltimore County and  
13 another monopole at the Hunt for Fairfax, the Hunt at  
14 Fairfax Station in Fairfax County, Virginia, all of these  
15 studies and methodology were the same. We had to find first  
16 a subdivision where there was what we call homogeneity of  
17 the housing stock.

18                  MR. GROSSMAN: Well, before you tell me how you  
19 did it, you made a statement that I, I have to follow up on  
20 that. You said although you=re certified as a real estate  
21 appraiser, these are not real estate appraisals. So what  
22 are you telling me? Are you not testifying in the area of  
23 your expertise?

24                  THE WITNESS: I=m, I=m testifying as to the impact  
25 of the presence of a monopole on a property that=s adjacent

1 to it versus the lack of its impact on a property that=s  
2 distanced from the monopole. All this is is an analytical  
3 approach. We=re taking the sale price of a home that has a  
4 solid view of the monopole, either from the driveway or the  
5 backyard or from the household, although we didn=t get into  
6 the house.

7 MR. GROSSMAN: Right.

8 THE WITNESS: All we=re doing is taking the sale  
9 price of that home that we took from the deed and the tax  
10 records to find out the square footage of that home, and  
11 MRIS as well.

12 MR. GROSSMAN: MRIS?

13 THE WITNESS: Multiple Regional Information  
14 Services.

15 MR. GROSSMAN: Okay.

16 THE WITNESS: That=s where all brokers list their  
17 properties for sale, they describe the property, the rooms,  
18 the sizes, square footage and so forth. It=s all reported.  
19 It=s a multiple listing agreement.

20 MR. GROSSMAN: Right.

21 THE WITNESS: It=s called Metropolitan Regional  
22 Information Systems. All we=re doing is comparing the price  
23 per square foot of that home within view of this monopole to  
24 the price per square foot of a home that is not within that  
25 impact or view shed.

1           MR. GROSSMAN: So what you=re saying is you=re  
2 really not appraising the homes. You=re just using your  
3 knowledge of how real estate appraisers, or the information  
4 that real estate appraisers look at and you=re comparing the  
5 published values of homes that are near telecommunications  
6 sites with those that are not.

7           THE WITNESS: That=s correct.

8           MR. GROSSMAN: Okay.

9           THE WITNESS: Precisely.

10          MR. GROSSMAN: All right.

11          THE WITNESS: Now, when I said homogeneity of the  
12 homes, of the housing stock, I mean we have to have a  
13 subdivision where there=s lots of sale activity, the homes  
14 have to be roughly all about the same in terms of size,  
15 square footage and profile. We can=t compare an average to  
16 be -- ridiculous. You can=t compare an A-frame to a rambler  
17 and you can=t compare a rambler to a two-story colonial.  
18 They all have to be the same type of home in roughly the  
19 same area on the same lot sizes.

20          MR. GROSSMAN: Right.

21          THE WITNESS: We can=t compare a corner lot to an  
22 inside lot. If a corner lot sees the monopole or the people  
23 in the house sees the monopole, then we have to have a  
24 corner lot home that doesn=t see the monopole. So what  
25 we=re using in the institute, the Appraisal Institute policy

1 is pure pairs. In other words, we're not making any  
2 adjustments.

3           The reason why we chose the pure pair analysis is  
4 because we wanted to avoid bias. Candidly, not T-Mobile but  
5 AT&T and Verizon paid for these studies. They're very  
6 expensive because first you have to find a subdivision and a  
7 monopole where you can get enough data. We just can't have  
8 one pair. We have to have five or six pairs before we have  
9 what I would consider public evidence that there is no  
10 impact. So we use pure pair analysis and it was confirmed  
11 by looking at deeds, looking at the tax records, getting out  
12 of the car, walking the roads. Occasionally, we knocked on  
13 a few doors, see if we could get in the backyard if they let  
14 us back in their, in their backyard.

15           Throughout all of these studies, including the two  
16 at the Bullis School and the Hampshire Greens, the two in  
17 Montgomery County, it was our conclusion because we found  
18 parity between the price per square foot of a home within  
19 the view of the monopole and the price per square foot of a  
20 home that didn't see the monopole that sold within a couple  
21 of months of each other. We, at one point, tried to do a  
22 before and after. In other words, what were prices of homes  
23 before the monopole went up, what were the prices of homes  
24 after the monopole went up. As you well know, the market  
25 cycles and if you're --

1           MR. GROSSMAN: I don=t know anything that=s not in  
2     the record. I don=t know if the market cycles. It=s not in  
3     the record.

4           THE WITNESS: Well, prices have gone up and  
5     they=ve gone down. And if you have, on the way up before  
6     the monopole, you have prices of homes before the monopole  
7     but you=re on an upward slope and a peak for price increases  
8     but the pole goes in, but the normal cycle of price decline,  
9     you=re going to get bad data because of the peaks and  
10    valleys and how prices have changed since the mid-90s to up  
11    to about 2011. You=ve had a series of peaks and troughs.

12          MR. GROSSMAN: Well, do you -- is there some way  
13    you correct for that or you just don=t do before and after  
14    studies, or what do you do?

15          THE WITNESS: We didn=t do the before and after  
16    studies. What we tried to do was find sales that were  
17    proximate to each other, within a couple of months of each  
18    other, of similar homes and similar lots.

19          MR. GROSSMAN: I see. Okay.

20          THE WITNESS: That was the best way to do it. And  
21    the reason why we kept it pure, because once you start  
22    making adjustments for either lot sizes or house profile or  
23    house size, you=re going to be accused of bias, you obscured  
24    your answer because you=re working for the carrier, so we  
25    dealt with facts only. And anyone -- fortunately, in the

1 State of Maryland, the deeds are free. You can get deeds  
2 online. You don=t have to go to the courthouse, unlike  
3 Virginia and the District. So you can go to the deed. You  
4 can read the deed and you can read the tax record and  
5 divide. That=s all we did. We took the, we took the square  
6 footage and we divided by the sale price.

7 MR. GROSSMAN: And so you don=t make adjustments  
8 for the various things that appraisers make adjustments for  
9 in terms of --

10 THE WITNESS: What --

11 MR. GROSSMAN: -- in terms of value?

12 THE WITNESS: That=s correct because what we=re  
13 trying to do when we make the comparison, we have to be  
14 careful about decks out back that would increase or make the  
15 pair inappropriate, or finished basements or any other  
16 amenity that may have impacted that price. So we have to  
17 look at the, the MRIS, the MRIS listing agreement carefully  
18 and we have to make phone calls to determine that this is  
19 truly a good pair.

20 MR. GROSSMAN: Okay. Did you publish this study?  
21 Is this study -- I don=t see it in the record here. Do I,  
22 Mr. Hughes?

23 MR. HUGHES: No, sir.

24 MR. GROSSMAN: Do we have a copy of this study  
25 regarding Bullis School for example?

1           THE WITNESS: It=s, it=s been submitted previously  
2   on other applications that would probably go back into the  
3   2003/2004 era. I know -- era. I know that it=s in the  
4   public record because I know some of their attorneys have  
5   avoided paying my fee and have picked up my work product and  
6   used it in other applications free of charge. So I know  
7   it=s in the record but there are numerous studies.

8           MR. GROSSMAN: Well, it=s not -- when you say in  
9   the record, it=s in the public domain but, and in the record  
10  of some cases. The question is whether it=s --

11          THE WITNESS: Here.

12          MR. GROSSMAN: -- in the record here.

13          THE WITNESS: It=s in the record here.

14          MR. HUGHES: But not in this case.

15          THE WITNESS: Not in --

16          MR. HUGHES: -- is what Mr. Grossman is saying.

17          THE WITNESS: But not in this case.

18          MR. GROSSMAN: Do we have a copy for the record in  
19  this case, Mr. Hughes?

20          MR. HUGHES: I don=t believe we do right now.

21          MR. GROSSMAN: All right.

22          THE WITNESS: There is a body of knowledge. When  
23  I say a body of knowledge, I=m looking at peer reviewed  
24  articles about the presence of monopolies on property prices.  
25  I don=t like to use the word value because I=m not



1     appraising.  It=s a price impact, it=s not a value impact.  
2     The issue is that there is studies by the Appraisal  
3     Institute or articles that have been published by the  
4     Appraisal Institute that are consistent with my findings.

5                   BY MR. HUGHES:

6           Q     What are your findings?  What have they been?

7           A     Both buyers and sellers of homes within the impact  
8     area were interviewed at several study locations, including  
9     the two in Montgomery County.  We found no evidence that  
10    sellers or buyers of homes within the visual impact area  
11    either discounted the price or experienced extended  
12    marketing periods to execute a sale due to the visual  
13    presence of a communication device.

14          Q     And you noted some other studies that were outside  
15    of Montgomery County that you were involved with.  Was it  
16    consistent with those as well as these two Montgomery County  
17    studies?

18          A     Yes.  And it=s interesting because Clearview  
19    Estates, which is just over the line of Montgomery County  
20    going up 108, it=s just north of 32.

21          Q     It=s in Howard County, is that correct?

22          A     That=s in Howard County.  It=s interesting because  
23    the monopole on a vacant pastureland was constructed in  
24    1992, up and operational, an AT&T pole.  The farmer decided  
25    that he didn=t need the pasture anymore so he leased it to

1     AT&T. I think it=s 165 feet with a primary and two co-  
2     locators. Two years later in 1994, he decided to sell the  
3     land to a home builder. The home builder built 53 or 57  
4     homes on two and three acre sites in this large tract.

5             Unfortunately, the monopole was in a pastureland.

6     It was at the highest possible elevation. We studied that  
7     twice. Clearview Estates has been studied twice, once in  
8     1999 and again in March of 2010.

9             MR. GROSSMAN: And how tall was that monopole?

10            THE WITNESS: 165.

11            MR. GROSSMAN: Okay.

12            THE WITNESS: We found 37 listing agreements from  
13     2002 to 2010 for a sale, sales of homes, and that was a  
14     difficult study because every single one of the 57 homes  
15     sees that monopole. Not one listing agreement mentions the  
16     existence of the monopole. They=re all touting the great  
17     views, the great lots, access to good schools and access to  
18     employment centers, and that=s what drives a house decision  
19     or a house buying decision in this market area.

20            MR. GROSSMAN: But you wouldn=t expect the listing  
21     agreement to mention the monopole, would you?

22            THE WITNESS: Well --

23            MR. GROSSMAN: Because wouldn=t that be, wouldn=t  
24     that tend to make somebody think, whether or not it affects  
25     the price, wouldn=t that make somebody question that?

1           THE WITNESS: It=s interesting that I=ve been, or  
2 my testimony has been rebutted by numerous brokers who would  
3 say, house brokers, that they would never list a house next  
4 to a monopole, they couldn=t sell a house next to a  
5 monopole. But unfortunately, of the 37 listing agreements  
6 that didn=t mention, the houses all sold with increasing  
7 prices from 2002 to about 2008.

8           MR. GROSSMAN: Well, I don=t know what to make of  
9 that last statement because now you=re reporting what  
10 somebody else has testified who purportedly was an expert  
11 which disagreed with your testimony and you=re saying that  
12 it=s not accurate. I=m not sure what, whether I give that  
13 weight against what you=re saying or not, and is the hearsay  
14 expert testimony through the lips of the expert who is  
15 testifying. I don=t know quite how to handle that one.

16           THE WITNESS: I think the issue, Mr. Grossman, is  
17 I have market evidence contrary to their testimony and they  
18 didn=t offer any testimony, any evidence to support their  
19 position.

20           MR. GROSSMAN: Okay. So your essential point  
21 there was you mentioned, you started telling me about this  
22 by saying it wasn=t in the listing agreement, but your  
23 actual point is that the evidence regarding the sale price  
24 did not reflect an effect from the existence of the  
25 monopole. Is that what you=re saying?

1 THE WITNESS: That=s correct, sir.

2 MR. GROSSMAN: All right.

3 MR. HUGHES: Thank you.

4 BY MR. HUGHES:

5 Q Thank you, Mr. Thorne. Are you familiar with this  
6 proposed site and the location?

7 A Oh, absolutely. I just live a little further  
8 south on Georgia Avenue so I=ve gone up Georgia Avenue many  
9 times. In fact, there was a case on Nicodemus Road which I  
10 think is just north of this site, yes.

11 Q So are you familiar that, you=ve heard some  
12 testimony that this one is not proposed to have a light. Is  
13 that your understanding?

14 A Any, any structure that=s 190 -- any structure  
15 under 200 feet does not require strobe lighting. Besides,  
16 the strobe lights now all go to the skies. They don=t come  
17 down to the ground anyways.

18 Q Unless they might be in a flight path, is that  
19 correct, and maybe the FAA may require it?

20 A That=s correct.

21 Q But you=ve heard testimony that=s not required and  
22 you=re aware that=s not required in this case, is that true?

23 A That=s, that=s true.

24 Q Are you also aware that there are, there=s a Pepco  
25 right-of-way just south running east and west, about 400

1 feet south, and it has big power poles and lines running.

2 Is that your understanding?

3 A Yeah. There=s a high voltage overhead  
4 transmission line that runs south of this that is incredibly  
5 visible from almost all properties. Although this is  
6 rolling terrain and wooded and rooftops are sparse, it=s  
7 highly visible.

8 Q Have you seen in this case the --

9 MR. GROSSMAN: Let me interrupt for a minute. How  
10 tall are those Pepco towers? If the witness knows.

11 THE WITNESS: I can speculate but I --

12 MR. GROSSMAN: I don=t want you to speculate.

13 THE WITNESS: Then I, then I don=t know.

14 MR. GROSSMAN: Mr. Hughes?

15 MR. HUGHES: Well, there is some information in  
16 the record I think from the Tower Committee and from the  
17 Staff Report that says 130 feet which is our understanding.

18 The Staff Report certainly knows they=re 130 feet and we  
19 concur.

20 MR. GROSSMAN: Okay.

21 BY MR. HUGHES:

22 Q Are you -- sorry, lost my thought. Exhibit 10 is  
23 noted as photo simulations. Have you seen the photo  
24 simulations T-Mobile had done in this case?

25 A Yes.

1           Q     And based upon your knowledge of this area and,  
2     including the Pepco lines, and your expertise, do you  
3     believe there would be any impact in this area, basically  
4     similar to the studies you've done? What impact, if any,  
5     would you see here?

6           MR. GROSSMAN: Well, let me -- you mentioned the  
7     photo simulations and in fairness to Mr. Hockstra, he  
8     probably hasn't seen them. Do you have a copy of the photo  
9     simulations that you can show him?

10          MR. HUGHES: I do. And we're going to talk about  
11     those more later but you're right, Mr. Grossman. I  
12     apologize. Yes, I do have a copy. Can I explain?

13          MR. GROSSMAN: Yes. Explain to him how that  
14     works.

15          MR. HUGHES: And we'll have a witness, or we're  
16     planning to have a witness talk, go through these, but  
17     essentially, sir, this is what's called a map. This is  
18     roughly where the site is, and these blue areas are areas  
19     that we went to and took photos to see roughly what it would  
20     look like when we put a balloon up in the air, and we showed  
21     that the addresses, roughly, where we took them from. We do  
22     it from public spots. We don't go on people's property  
23     without permission. It shows the distance back to the site.

24                 And then after the photos are taken, we have some  
25     folks who are, who do what's called photo simulations with

1 the computer and they go back to their work site and then  
2 drop in the pole where the balloon was to give you an idea,  
3 a simulation of what it roughly will look like if it=s  
4 approved and built. So that=s what these are, sir.

5 MR. HOCKSTRA: So the pictures taken from the  
6 street are public area?

7 MR. HUGHES: Yes, sir.

8 MR. GROSSMAN: And the photo simulations specify  
9 where it is so they, they hold a balloon, they put a balloon  
10 at the height of the proposed tower, and then they show you  
11 a picture with a simulated tower to that height so you can  
12 see what it would look like from those specific locations  
13 that they designated on the map. This is a standard  
14 procedure and a requirement for applications for cell  
15 towers. So now, would you ask your question of the witness?

16 MR. HUGHES: Yes, sir.

17 BY MR. HUGHES:

18 Q So based upon your experience, and you=re familiar  
19 with this area, what, if any, impact do you expect if this  
20 tower or cell site was approved and built it may have?

21 MR. GROSSMAN: Impact on what?

22 BY MR. HUGHES:

23 Q Impact on property values.

24 A It=s not going to have any impact on property  
25 prices. What happens is once these are up two to three

1 months, people just ignore them. We've got too many other  
2 important elements in our lives to be looking at cell towers  
3 and the potential impact it has. I found none, and all of  
4 our studies were consistent.

5 Q Did you have any studies where you had these  
6 massive Pepco power lines and poles running right behind it?

7 Do you recall if any of the studies had something like that  
8 where it would blend into it?

9 A The lattice towers on the Eastern Shore, these were  
10 not self-supporting so when you have a lattice tower that is  
11 not self-supporting, you have extensive guide wires that  
12 come down and it's a huge, it's a very large footprint to  
13 staple that tower. Only in the lattice tower environments  
14 did we have an horizon but they were more distant. This is  
15 fairly close. I think we're in like 400, 300 feet. At  
16 least the easement, these easements are generally 80 to 100  
17 feet wide and the power line goes down the center of it.  
18 This one's I think something like 300 feet from just the  
19 easement. Those on the Eastern Shore were about 5 to 600  
20 feet away but standing on a person's property, they would  
21 see not only the lattice towers but also the more distant  
22 overhead power lines.

23 Q You also mentioned you know the area well and you  
24 live near --

25 MR. GROSSMAN: I don't know if that answered the



1 question. Was your question whether or not a cell tower  
2 with power lines behind it was less of an impact than a cell  
3 tower without power lines? Is that what you're asking or --

4 MR. HUGHES: I was asking if any of the other  
5 studies have had power lines in close proximity to, like  
6 this one does here.

7 MR. GROSSMAN: And he mentioned this other one but  
8 what's the relevance of that? His testimony is that with or  
9 without the Pepco lines, it has, or at least without the  
10 Pepco lines --

11 MR. HUGHES: Right.

12 MR. GROSSMAN: -- it has no impact.

13 MR. HUGHES: Right.

14 MR. GROSSMAN: And I presume then that -- I'll let  
15 the witness answer. If you add in the Pepco lines as a  
16 backdrop, would the cell tower itself have any more impact?

17 THE WITNESS: No.

18 MR. GROSSMAN: No.

19 MR. HUGHES: Thank you.

20 BY MR. HUGHES:

21 Q Are you aware Georgia Avenue, in that stretch, has  
22 telephone poles along it and lines?

23 A Some of them are oblique. There's a lot of heavy  
24 cable so the telephone poles, I know --

25 MR. GROSSMAN: When you say they're oblique, you

1 mean they=re at an angle?

2 THE WITNESS: Yes, sir.

3 BY MR. HUGHES:

4 Q You mean that they=re kind of falling a little  
5 bit?

6 A Well, I don=t know whether they=re falling but  
7 they=re not perpendicular to the Earth=s surface. They=re  
8 oblique and they are carrying a lot of cable, and there=s  
9 also, you=ll see occasional transformers mounted on these  
10 telephone poles.

11 MR. GROSSMAN: How tall are they?

12 THE WITNESS: Usually, they=re about 35 to 40  
13 feet. I mean, that=s usual.

14 MR. HUGHES: Those would be my questions. Thank  
15 you, Mr. Grossman.

16 MR. GROSSMAN: Cross-examination?

17 MR. HOCKSTRA: Yes.

18 CROSS-EXAMINATION

19 BY MR. HOCKSTRA:

20 Q The Hampshire Greens case studies that you were  
21 referring to in the beginning of your testimony, what zoning  
22 are they in?

23 A I do know that they=re all on 20,000 square foot  
24 lots.

25 Q But is that, you know, rural cluster, RT-2?

1           A     No.  It=s -- no.  They=re on 20,000 --

2           Q     Urban?

3           A     They=re on 20,000 square foot lots.  Wherever  
4  Montgomery County zoning allows it.

5                   MR. GROSSMAN:  It=s residential.

6                   THE WITNESS:  It=s a residential zone, 20,000  
7  square foot lots.

8                   BY MR. HOCKSTRA:

9           Q     Do you know if whether it=s RC-5, RC-10?

10          A     It might be R-20.  I=m not, I=m not, I don=t have  
11  a memory of the zoning codes for Montgomery County.

12          Q     Okay.

13                   MR. GROSSMAN:  They=re not rural zoned.

14                   MR. HOCKSTRA:  They=re not rural.  They=re all  
15  more --

16                   MR. GROSSMAN:  They=re residentially zoned.

17                   MR. HOCKSTRA:  -- high-density.

18                   MR. GROSSMAN:  I don=t know about high-density  
19  but, they=re not high-density.

20                   MR. HOCKSTRA:  Okay.

21                   MR. GROSSMAN:  But they=re residentially zoned is  
22  what he=s saying.

23                   MR. HOCKSTRA:  Okay.

24                   BY MR. HOCKSTRA:

25          Q     Did you do any of these studies and put a monopole

1 in a rural setting or just in a high-density zone?

2 A The, the lattice towers were definitely rural  
3 because there on the Eastern Shore, home sizes, or excuse  
4 me, lot sizes on the lattice towers could range anywhere  
5 from 2 acres to 10 acres.

6 Q Okay.

7 MR. GROSSMAN: You, Mr. Hockstra, ask some of the  
8 best questions I've ever had from a citizen coming to one of  
9 these things. I just wanted to let you know that.

10 BY MR. HOCKSTRA:

11 Q Do you have any I guess -- excuse me. So you're  
12 here to testify on property values, correct?

13 A On property prices.

14 Q Okay. So myself, as being an adjoining homeowner,  
15 you're saying my property is going to increase in value?

16 MR. GROSSMAN: He's made the distinction between  
17 property value and property price because what he's saying  
18 is he has not done an appraisal of the property, he's  
19 compared pricing and that's, this is a pricing study. Am I  
20 correctly summarizing what you have said, sir?

21 THE WITNESS: That is correct.

22 MR. GROSSMAN: So you refer back to value, and  
23 that's why he keeps on making that distinction, property  
24 prices versus value. He's not making an overall valuation.

25 He's looked at pricing of comparable sites, pairing is what

1 he said.

2 MR. HOCKSTRA: Okay.

3 MR. GROSSMAN: And said that he has not, in all  
4 his studies, has not found any difference in the pairing of  
5 those near a cell tower and those not near a cell tower. Is  
6 that an accurate summary of your testimony, sir?

7 THE WITNESS: That=s correct, sir.

8 MR. GROSSMAN: All right.

9 BY MR. HOCKSTRA:

10 Q So can you say my pricing will increase on my  
11 property?

12 A I=d like to respond in a rhetorical way.  
13 Clearview Estates, we interviewed the homeowner directly  
14 adjacent to the monopole, and when I started this study in  
15 1998, about three percent of the households in the United  
16 States were still hardwired. Today, I=ve heard two  
17 different numbers. I=ve heard 22 percent and I=ve heard 30  
18 percent of the households are now, have dropped their  
19 hardwired phones. They=re totally wireless. And the  
20 individual, and I=m under oath, the individual at Clearview  
21 Estates wanted the service. He bought the house closest to  
22 the monopole. He didn=t pay much of a premium but he did  
23 pay a very modest, almost a measured premium to be closest  
24 to the monopole to get the service. In his opinion, there  
25 was absolutely no impact and will be no impact when he sells

1     it. I can=t verify that because he hasn=t sold the house  
2     yet. He=s been there from the early years when the  
3     subdivision was constructed.

4                 So there are folks, admittedly, there are folks  
5     who will locate not near a monopole, but the overwhelming  
6     evidence I have is that it=s at the point now, because of  
7     data streaming, the internet, and these are not being used  
8     for voice anymore, they=re used for the internet and it=s  
9     more voice streaming --

10                MR. GROSSMAN: When you say these are not being  
11     used anymore, you=re not suggesting that this cell tower is  
12     not going to carry voice communications.

13                THE WITNESS: It will, but the primary reason and  
14     the reason why the bandwidth has got to expand, to deal with  
15     data streaming and all of the other uses other than voice  
16     that are now, these devices are now being used for. There  
17     will be people who will pay a premium because they want  
18     access. They want it solid in their home, in their  
19     basements, wherever they are in their home, and that=s  
20     what=s happening in the United States today.

21                MR. GROSSMAN: All right.

22                BY MR. HOCKSTRA:

23                Q     Do you have that individual=s name?

24                A     No, I don=t.

25                Q     The study that you said you did in 2002 to 2008

1     where people bought and sold houses and the prices  
2     increased, do you have any specific cases? The street  
3     addresses?

4           A     I have the 37 listings, I don=t have them with me,  
5     of the homes that were sold in Clearview Estates, were  
6     listed and sold in Clearview Estates.

7           Q     So did your study take into account like the --

8           A     Please if I may. That was not a study.

9           Q     Okay.

10          A     It was simply a data dump of what homes were sold  
11     at various times from 2002 to 2010 in Clearview Estates to  
12     determine how the broker dealt with the existence of the, of  
13     an incredibly visible monopoly. That was the only purpose  
14     of that analysis. That=s not a study.

15          Q     At that time of that study, do you know how many  
16     available houses were for sale in Howard County or wherever  
17     that study -- was that study just Clearview Estates or was  
18     it other neighborhoods?

19          A     Well, again, we have to parse the question. The  
20     data dump started I think in 2002 or 3. How many were  
21     listed and didn=t sell in 2002, 3, 4, 5, 6, 7, 8, 9, 10 and  
22     11? I mean, that=s the generic question that you=re trying  
23     to get at. If you want to start at 2010, probably there  
24     were a lot of listings, I don=t really know, because the  
25     market=s not so great, but prices are still going up in

1 Clearview Estates from 2002. They, they fell in 2006 and 7  
2 obviously, because of the economy but they have stabilized  
3 and now gone back up, even with the presence of the  
4 monopole. But how many were listed and didn=t sell or were  
5 pulled or foreclosed? I can=t answer the question.

6 Q Do you have a specific address of a property that  
7 sold before the monopole and sold after the monopole?

8 A As I said in my testimony, the pole went up in  
9 1992. The subdivision was, or the land, the farmer sold the  
10 land to a builder developer in 1994, so the pole existed  
11 before the subdivision was created.

12 Q Were there any building moratoriums in that area  
13 at that time when the pole went up?

14 A I can=t --

15 Q Was it agricultural property?

16 A I can=t answer the question. I don=t know.

17 Q Okay. I=m trying to get a clear understanding of  
18 do we have a specific house, property that sold for a  
19 certain price and then after the pole went up, sold for me.

20 MR. GROSSMAN: Right. He testified earlier that  
21 he didn=t do before and after studies because he felt those  
22 were too influenced by overall changes in the market over  
23 time so rather, they did comparisons of, not before and  
24 after, but houses near a monopole and those not near a  
25 monopole in the same general period of time, within months



1 of each other, to avoid that problem of changing market.

2 Did I summarize that correctly, sir?

3 THE WITNESS: That=s exactly correct.

4 MR. GROSSMAN: So I understand your question but  
5 I=m saying that=s what his testimony is, that he didn=t,  
6 specifically didn=t do that type of study because of the  
7 market issues.

8 MR. HOCKSTRA: Right.

9 BY MR. HOCKSTRA:

10 Q Is it correct to assume that from 2002 to 2008,  
11 all residential real estate in Howard County, or Maryland  
12 per se, increased in value?

13 A From 2002 to about mid-2006 to late 2006, house  
14 prices increased significantly in Howard and Montgomery  
15 County. Both Montgomery and Howard County experienced a  
16 decline. I don=t have a percentage but I think it=s like  
17 three to eight percent, depends upon neighborhoods. I mean,  
18 if you want to make a County-wide generic kind of  
19 generalization, the price dropped from late >06 to maybe  
20 >09, might have been in the vicinity of 3 to 12 percent  
21 generally for the whole County. But in other areas, certain  
22 areas of Montgomery County, prices never even experienced a  
23 decline. They just kept climbing. They just climbed  
24 slower. So but from 2000 and, really, 2010 to 2011, I think  
25 it=s in the public record, the newspapers and MRIS if you

1     happen to be a member, prices are actually going back up.  
2     Not much. They haven=t flattened. They=re going back up.

3             MR. HOCKSTRA: I guess you=re not -- are you  
4     allowed to argue stuff or not?

5             MR. GROSSMAN: No. You=ll have an opportunity to  
6     argue at the end, and you=ll also have an opportunity to  
7     testify yourself in the case but right now, this is your  
8     opportunity to cross-examine the witness.

9             MR. HOCKSTRA: Okay.

10            BY MR. HOCKSTRA:

11            Q     So you live in Montgomery County?

12            A     Yes.

13            Q     You do?

14            A     Yes.

15            Q     Okay. In Brookeville?

16            A     I go to the restaurants in Brookeville and I  
17     travel north to Carolina County very frequently.

18            Q     Is your home address in Brookeville?

19            A     No.

20            MR. HUGHES: Objection.

21            THE WITNESS: No.

22            MR. GROSSMAN: Well, I guess that --

23            MR. HOCKSTRA: Maybe where his office is?

24            MR. GROSSMAN: -- would go to potentially bias I  
25     guess so I=m going to let him ask the question.

1                   MR. HOCKSTRA: I'm trying to figure out where he  
2     lives. He was testifying that he, I thought he said he  
3     lived on Georgia Avenue.

4                   MR. GROSSMAN: Right. I thought he said that too.

5                   THE WITNESS: I live on, off Regina Drive which is  
6     directly connecting to Georgia Avenue. I live about 800  
7     feet on the east side of Georgia Avenue and Aspen Hill, just  
8     south of where Connecticut Avenue comes into Georgia Avenue.

9                   BY MR. HOCKSTRA:

10            Q     So what is the distance from your house to the  
11     nearest cell tower?

12            A     I have a water tower at the intersection of  
13     Randolph Road and Georgia Avenue that has got its entire  
14     surface populated with communication devices, and that=s  
15     about 1,000 feet. I can=t see it.

16            Q     Okay. Do you know the height?

17            A     Topography and trees.

18            Q     Do you know the height of that water tower?

19            A     It=s kind of irrelevant because there are some  
20     very tall structures. I suspect it=s in the 100 to 130  
21     feet.

22            Q     At what distance would a monopole and a rural  
23     cluster, such as the one you=re testifying against, decrease  
24     the property value of a home?

25            A     Based on my market evidence --

1 Q I=m sorry. The pricing.

2 A That=s okay. In my opinion, based on the studies  
3 that we=ve completed, there would be no impact.

4 Q So for my property, if I put one 120 feet off the  
5 house, it would not decrease my pricing.

6 A In my opinion, based on the studies that we=ve  
7 conducted, no. That=s correct. It would not have an impact  
8 on the price of your home or its marketability.

9 MR. HOCKSTRA: That=s all my questions for right  
10 now.

11 MR. GROSSMAN: Any redirect?

12 MR. HUGHES: No, thank you.

13 MR. GROSSMAN: Thank you, Mr. Thorne.

14 THE WITNESS: Yes. Thank you.

15 MR. GROSSMAN: Appreciate it. All right. Why  
16 don=t we take a five minute break here until 12 noon.

17 MR. HUGHES: Thank you.

18 (Whereupon, at 11:54 a.m., a brief recess was  
19 taken.)

20 MR. GROSSMAN: And your next witness is, Mr.  
21 Hughes?

22 MR. HUGHES: Thank you, Mr. Grossman. I would  
23 call Mr. Curtis Jews.

24 MR. GROSSMAN: Okay. Mr. Jews, would you raise  
25 your right hand, please?

1 (Witness sworn.)

2 MR. GROSSMAN: All right. Welcome back to my  
3 hearing room.

4 MR. JEWS: Good to see you, Mr. Grossman.

5 MR. HUGHES: I=m going to ask him if he can  
6 recognize a document which is a bio.

7 MR. GROSSMAN: Okay.

8 MR. HUGHES: Because of my error in not bringing  
9 copies, we got this from another file so --

10 MR. GROSSMAN: Oh, okay.

11 MR. HUGHES: I don=t know if you want me to  
12 scribble it out or leave this stickie on because it shows as  
13 an exhibit from another case.

14 MR. GROSSMAN: We=ll cross it out.

15 MR. HUGHES: Let me give a copy to Mr. Hockstra.

16 DIRECT EXAMINATION

17 BY MR. HUGHES:

18 Q Are you able to identify this document, Mr. Jews?

19 A Yes, sir.

20 Q What is it?

21 A It=s my resume.

22 Q Okay. Thank you.

23 MR. GROSSMAN: This document being now Exhibit 24.

24 (Exhibit No. 24 was marked for  
25 identification.)

1                   MR. HUGHES: Thank you. I=d like to offer it into  
2 evidence, Mr. Grossman.

3                   MR. GROSSMAN: Well, we don=t usually do that  
4 until the end.

5                   MR. HUGHES: Okay.

6                   BY MR. HUGHES:

7           Q       Mr. Jews, can you please tell us a little bit  
8 about your educational and professional background?

9           A       Sure. I have my certification in service computer  
10 technology received in 1996. I am the radio frequency lead  
11 engineer for T-Mobile. I am in charge of the entire State  
12 of Maryland, or responsible for the entire State of  
13 Maryland, Virginia and the City of Washington D.C.

14          Q       And how long have you been working as a radio  
15 frequency engineer on telecommunication sites?

16          A       For over 12 years.

17          Q       And during those 12 years, if this matter is a  
18 site, one site, about how many sites have you worked on?

19          A       Close to 3,000.

20          Q       And how long have you been working on the T-Mobile  
21 project?

22          A       The T-Mobile project, been for a couple, about a  
23 year on this particular market.

24          Q       Okay. And what are some of the other projects you  
25 worked on in your 12 years, your more recent projects?

1 A Long Island, New York. North Carolina.

2 Q For T-Mobile?

3 A For T-Mobile, that=s correct.

4 Q Okay. And when you say this one for about a year,  
5 you mean in the Baltimore/Washington --

6 A I=m sorry. In the Washington, D.C./Baltimore  
7 area.

8 Q That you worked on other T-Mobile projects.

9 A That is correct.

10 Q Have you ever testified before at a zoning hearing  
11 like this?

12 A Yes, I have.

13 Q Have you ever been recognized as an expert?

14 A Yes, I have.

15 Q Have you ever been recognized as an expert, or  
16 about how many times, if you know, have you been recognized  
17 as an expert?

18 A Four to -- about five times.

19 Q In Montgomery County or overall?

20 A Overall.

21 Q What are some of the jurisdictions you=ve been  
22 recognized as an expert in?

23 A Once again, Montgomery County, Anne Arundel,  
24 Howard, Loudoun and there=s one more, Frederick I believe.

25 Q The City of Frederick?

1           A     Yes.

2           Q     And, I=m sorry, you said you have been recognized  
3 before in Montgomery County before this body.

4           A     Yes, I have.

5           Q     And you=re familiar with this site, is that  
6 correct?

7           A     Yes, I am.

8           Q     Okay.

9                   MR. HUGHES: Mr. Grossman, I=d like to offer him  
10 as an expert in radio frequency engineering and cell site  
11 design.

12                   MR. GROSSMAN: And cell site design?

13                   MR. HUGHES: Yes, sir.

14                   MR. GROSSMAN: I don=t know if he=s been  
15 recognized as an expert. I know --

16                   MR. HUGHES: That=s broad.

17                   MR. GROSSMAN: I=ve recognized him as an expert in  
18 radio frequency.

19                   MR. HUGHES: Radio frequency. I apologize.  
20 That=s broad. I apologize. That=s -- you=re right.

21                   MR. GROSSMAN: Okay.

22                   MR. HUGHES: Radio frequency engineering.

23                   MR. GROSSMAN: All right. Any questions regarding  
24 this witness= expertise, Mr. Hockstra?

25                   MR. HOCKSTRA: No, sir.



1           MR. GROSSMAN: All right. Given that Mr. Jews has  
2 testified before me as a radio frequency engineer expert, I  
3 so certify him in this case.

4           MR. HUGHES: Thank you.

5           BY MR. HUGHES:

6           Q     Mr. Jews, can you tell us, and then perhaps you  
7 can show us with some visuals, can you tell us why this  
8 facility is being proposed here by T-Mobile?

9           A     Okay. Currently in the, in the area -- I=d like  
10 to be a bit more specific. Can I have the second slate?

11          Q     I=m sorry.

12          A     Not just in the area. That proximity --

13          Q     Okay. Let me give this to Mr. Hockstra first.  
14 I=ll ask you if you can identify this document.

15          A     Yes. This is a, a site proximity map.

16          Q     What does that mean or what=s it show?

17               MR. GROSSMAN: Do we have a copy of this in the  
18 record already?

19               MR. HUGHES: No, sir. I don=t believe so.

20               MR. GROSSMAN: Okay.

21               THE WITNESS: Okay. What this shows is one, the  
22 location of the proposed wireless facility which is labeled  
23 as 7 WAN 576D Sunshine Farms, LLC. And then what you have  
24 surrounding it, which is represented as green flags, are the  
25 existing on-air sites, the existing T-Mobile on-air sites.

1 BY MR. HUGHES:

2 Q Okay. And those sites could be, is it true to say  
3 they could be sites that T-Mobile owns and is at the top or  
4 they could be sites that other structures and people own and  
5 you just co-locate on it, is that correct?

6 A That is correct.

7 Q Okay.

8 MR. GROSSMAN: All right. So this will be Exhibit  
9 25, and this is, do you want to call it a cell tower  
10 vicinity map? Is that what you --

11 MR. HUGHES: Yes, sir.

12 (Exhibit No. 25 was marked for  
13 identification.)

14 MR. HUGHES: Thank you.

15 THE WITNESS: Answer your earlier question?

16 BY MR. HUGHES:

17 Q You can continue, yes, sir.

18 A Okay. To answer your, the question that you asked  
19 earlier, the area where the proposed facility, Sunshine  
20 Farms, LLC, this particular area right now is in need of  
21 improved coverage for voice and also for data. At this  
22 time, there is coverage but it is unreliable coverage, and  
23 I'll speak to that when we introduce the coverage map.

24 Q Mr. Jews, I'm going to ask you if you can identify  
25 some documents and give Mr. Hockstra some copies. Are you

1     able to identify these two documents?

2           A     Yes.

3           Q     Can you tell --

4           MR. GROSSMAN:  These are just copies of 9A and B.

5           MR. HUGHES:  Yes, sir.

6           MR. GROSSMAN:  Okay.

7           BY MR. HUGHES:

8           Q     Can you tell us what they are?

9           A     These are coverage maps or propagation maps.

10          Q     Okay.  And one is labeled at the bottom current  
11 on-air coverage and the other one is labeled lots.

12          A     WAN.

13          Q     The WAN 576D at 120 feet, is that correct?

14          A     That=s correct.

15          Q     Can you explain to us, and tell us which map  
16 you=re talking about, what they show?

17          A     Okay.  I=ll go with, I think this is going to be  
18 9A, current on-air coverage.

19               MR. GROSSMAN:  I=m going to find out which is  
20 which in here.

21               THE WITNESS:  Okay.

22               MR. GROSSMAN:  I=m looking in the file.  Hold on a  
23 second.  Okay.  Yes.  9A is current coverage.

24               THE WITNESS:  Okay.  All right.  What this map is  
25 showing is the current coverage or the state of the coverage

1 for T-Mobile at this time, and let me explain it, the  
2 colors. We have green, blue and yellow. Green is your in-  
3 building coverage, the coverage you can experience inside of  
4 your home, business. Blue is your in-vehicle coverage which  
5 is the coverage you will have inside of your vehicle or car.

6 And the yellow is the coverage you can expect on street if  
7 you're holding a phone to your ear or using your hands-free.

8 BY MR. HUGHES:

9 Q Okay. And what do these maps tell us? What do  
10 they mean to T-Mobile current and future customers?

11 A Okay. What it means is this is an area where we  
12 would like this, where this proposed facility, WAN 576D is  
13 located, this area is where we would like to improve the  
14 coverage for the, our customers or folks traveling along  
15 Georgia Avenue or New Hampshire Avenue and Damascus Road.

16 Q And if this site was approved, what does this map  
17 show? What would it mean to customers? Really, what would  
18 it mean to them?

19 A Their service would be enhanced or improved.

20 Q And that=s shown by the WAN 576D at 120 that you  
21 noted the colors. There=s a lot more green at that point.

22 A That=s correct. It=s filled in. So the areas  
23 where there was predominant blue and yellow, it is now  
24 green.

25 Q Okay.

1           A     Less of blue and less of yellow.

2           Q     What are T-Mobile=s objectives as far as coverage  
3     for its customers?  Where do customers want their coverage  
4     to be?

5           A     These days, they would like to have reliable  
6     coverage in their homes and their businesses.

7           Q     And is it true that -- well, so there=s coverage  
8     and there=s also capacity needs, is that true?

9           A     That=s correct.

10          Q     Can you explain those again so everybody knows?

11          A     Sure.  Well, of course, we still do use our phones  
12     for voice calls but now, the popularity in data or smart  
13     phone usage has created a great demand for resources or the  
14     capacity or coverage in order to allow our users or our  
15     customers to use their smart phones in an uninterrupted way  
16     which is due to absence of coverage or lack of coverage.

17          Q     So when you talk about data usage, what are some  
18     examples of data usage through a wireless phone?

19          A     Sure.  Internet.  Texting.  Streaming, video  
20     streaming.

21          Q     And it=s fair to say that those, do they use a lot  
22     of capacity?

23          A     Yes.  A lot of these applications use a lot of  
24     memory so in order to do that, we need to, they would have  
25     the resources for them to, to use these applications

1 seamlessly.

2 Q And does T-Mobile also, besides wireless phones,  
3 do they also provide wireless internet through the phone or  
4 any tablets that are supported, like computer tablets?

5 A Yes, they do.

6 Q So if this site was approved and built, based on  
7 what this plot shows and your testimony, the folks who live  
8 there in the area or travel in the area or work in the area  
9 or come to people=s homes to do work would have much more  
10 reliable T-Mobile service, is that correct?

11 A That=s correct.

12 Q Is it your understanding that more calls are made  
13 to 911 currently from wireless phones than from land line  
14 phones?

15 A I am aware of that.

16 Q If you=re aware, is it true that close to 300,000  
17 calls are made to 911 each day from wireless phones?

18 A I=m aware of that statistic.

19 Q Not just from T-Mobile but just from --

20 A Yeah. I=m aware of that.

21 Q And do you have some data related to 911 calls  
22 that T-Mobile customers have made in and around this area?

23 A I do.

24 Q Okay. Looking back at No. 25, the site proximity  
25 map or the site area map --

1           A     Um-hum.

2           Q     -- do you have data that pulls it from these four  
3 sites? Is that correct?

4           A     Yes.

5           Q     And from these sites, did you only pull data from  
6 the sites, antennas that are pointing in towards the  
7 proposed site or was there some other way you collected this  
8 data?

9           A     I did it both for the total site but also, only  
10 the antennas that serve this area. This area being the area  
11 of New Hampshire Avenue, intersection of New Hampshire  
12 Avenue and Georgia Avenue.

13          Q     And do you recall, if you know off the top of your  
14 head or if you need a document to help you, do you recall if  
15 you pulled some stats that showed those four sites as they  
16 pull in from those sectors --

17          A     Um-hum.

18          Q     -- how many 911 calls you got in a recent 13 month  
19 period?

20          A     I do. Okay. Now, serving only these sectors --  
21 and let me explain the sectors. We usually have three  
22 sections of a site, A, B and C, or we use alpha, beta and  
23 gamma. And what I've done is only collected the number of  
24 911 calls of the antennas that serve that affected area.  
25 And for that 13 month period, there were 3,429 911 calls.

1 MR. GROSSMAN: By the way, why a 13-month period  
2 as opposed to a year?

3 THE WITNESS: I mean, well --

4 MR. HUGHES: Good question.

5 THE WITNESS: Yeah. Actually, sorry, actually, it  
6 should be a year because I went August to August on this one  
7 so that=s --

8 BY MR. HUGHES:

9 Q It=s a good question. Or could you subtract the  
10 first month?

11 A I could, yeah.

12 Q But for a 13-month period. Okay. So I=m sorry.  
13 What was the number again, 30, 39?

14 A It was 3,429.

15 Q Okay.

16 MR. GROSSMAN: 3,429 911 calls in this sector.

17 MR. HUGHES: Those four sites.

18 THE WITNESS: Those four sites serving that area.

19 BY MR. HUGHES:

20 Q That point in towards the proposed site, is that  
21 correct?

22 A That=s correct.

23 MR. GROSSMAN: Right. And was that for the 12-  
24 month or 13-month period?

25 THE WITNESS: Twelve.



1 MR. GROSSMAN: And that=s which year are we  
2 talking about?

3 THE WITNESS: From --

4 MR. GROSSMAN: August.

5 THE WITNESS: From >10 to, to present.

6 BY MR. HUGHES:

7 Q September >10 to, through August?

8 A Yes.

9 Q >11.

10 A Yes.

11 Q Is it a 12 month period or 13 month period? I  
12 apologize.

13 A Actually, that=s going to be 12.

14 MR. GROSSMAN: Okay.

15 BY MR. HUGHES:

16 Q Okay. You did the subtraction?

17 A Yeah.

18 Q Okay.

19 MR. GROSSMAN: Okay. So 3,429.

20 BY MR. HUGHES:

21 Q And do you have similar stats that show how many  
22 dropped calls in that same time period from the same site  
23 sectors?

24 MR. GROSSMAN: Dropped 911 calls or dropped calls  
25 overall.

1 MR. HUGHES: No. Just dropped overall calls.

2 MR. GROSSMAN: Okay.

3 THE WITNESS: I have to --

4 BY MR. HUGHES:

5 Q Subtract that one?

6 A Yeah. Actually, they went over on this one. I  
7 gave, I gave a whole lot more. Actually, I did like 15  
8 months of this.

9 Q Okay. Let=s come back to that.

10 MR. GROSSMAN: It can be -- it doesn=t really  
11 matter if it=s a 15. As long as we identify the length of  
12 the period.

13 BY MR. HUGHES:

14 Q Yes. Say how many months it is, from what to  
15 what.

16 A This one is actually showing 15.

17 MR. GROSSMAN: Fifteen months?

18 THE WITNESS: Yeah.

19 MR. GROSSMAN: From when to when?

20 THE WITNESS: This is from June actually to August  
21 >11.

22 MR. GROSSMAN: June >10 to August >11.

23 THE WITNESS: Yeah.

24 MR. GROSSMAN: How many dropped calls?

25 THE WITNESS: 4,231.

1 MR. GROSSMAN: 4,231. Okay.

2 BY MR. HUGHES:

3 Q And do you also have some stats from a recent  
4 certain amount of month period about the total call attempts  
5 from those four sites and four sectors?

6 A Yeah. Surrounding site call attempts.

7 Q Yes. What months?

8 A This is also going to be 15 months once again, Mr.  
9 Grossman.

10 MR. GROSSMAN: All right. 6/10 to 8/11.

11 THE WITNESS: Yes. That total number is 583,718.

12 MR. GROSSMAN: And that number reflects what?

13 MR. HUGHES: The number of total call attempts.

14 THE WITNESS: Number of calls.

15 MR. GROSSMAN: The total call attempts.

16 BY MR. HUGHES:

17 Q Can you define what a call attempt is?

18 A A call attempt is whenever a user tries to access  
19 the network.

20 MR. GROSSMAN: And that=s also in that sector.

21 THE WITNESS: That=s correct. Only serving that  
22 area. That=s not an aggregate of the total.

23 MR. GROSSMAN: All right. 583,718.

24 THE WITNESS: That=s correct.

25 BY MR. HUGHES:

1           Q     And if this site was approved and built, would it  
2     help you with the percentages of dropped calls?

3           A     It would decrease, it will aid in decreasing the  
4     number of dropped calls.

5           Q     And would it potentially help collect 911 calls in  
6     and around this area?

7           A     Yes, it will.

8           MR. GROSSMAN:   If I=m understanding these figures  
9     correctly, less than one percent of the calls are dropped,  
10    is that correct?

11          THE WITNESS:   If you=re, you=re comparing it to  
12    the total, sorry, the call attempts?

13          MR. GROSSMAN:   Yes.

14          THE WITNESS:   Yes.

15          MR. GROSSMAN:   That less than one percent of the  
16    call attempts are dropped.

17          THE WITNESS:   That=s correct.

18          MR. GROSSMAN:   And is that considered sufficient  
19    to warrant any additional coverage?

20          THE WITNESS:   You can -- I don=t think we could  
21    just base it on that because one, we don=t know the nature  
22    of, yes, it=s a small amount but we don=t know the nature of  
23    that. All 911 calls obviously are important if they dial  
24    911 but it=s just not --

25          MR. GROSSMAN:   I=m not talking about the --

1 BY MR. HUGHES:

2 Q He=s talking about overall calls.

3 MR. GROSSMAN: I mean overall calls. You dropped  
4 4,231 out of 583,000.

5 THE WITNESS: Um-hum.

6 MR. GROSSMAN: So that=s less than one percent.

7 THE WITNESS: That is correct.

8 MR. GROSSMAN: So what I=m saying is when you have  
9 that small number of dropped calls, is that sufficient to  
10 warrant an expanded service via putting another cell tower  
11 there?

12 THE WITNESS: If you=re just using it only as the  
13 criteria of, of, or motivation behind wanting to build this  
14 facility, then I guess it would be no, but that=s not the  
15 only thing that is taken into consideration.

16 MR. GROSSMAN: And what else is taken into  
17 consideration?

18 THE WITNESS: What else is taken into  
19 consideration is the fact that this isn=t speaking to like  
20 the data usage or the customer experience as far as the  
21 customer complaints that we receive from not being able to  
22 use their devices that they pay for such as the smart phones  
23 to stream video seamlessly and have connection issues or  
24 attempt issues.

25 MR. GROSSMAN: All right. And you have other data

1     that reflects that?

2                 THE WITNESS: I do not have the customer complaint  
3     data. A lot of that stuff is -- we try to share as much as  
4     can, some of that stuff is proprietary. But I did try to  
5     share some data to show the performance of the site on that  
6     area.

7                 MR. GROSSMAN: I have a problem with saying that  
8     the data that you gave me doesn't indicate that you need the  
9     cell tower but there=s other data that you haven=t given me  
10    that indicates you do need it.

11                THE WITNESS: Um-hum.

12                MR. GROSSMAN: So I think that=s problematic, Mr.  
13    Hughes.

14                MR. HUGHES: Well, I guess I would take exception  
15    to that. There=s a lot that goes into the cell site. I  
16    think your specific question to him was maybe from the  
17    outside, does it look like one percent is a need. We=ll  
18    have testimony, I think there is testimony that it shows on  
19    the maps that the coverage is not very reliable here. The  
20    coverage shows it would get reliable for in-building. It=s  
21    also testimony that this is going to continue to help as  
22    increase, the demand on the system=s work for data, as has  
23    been testified and voice will continue. So while one  
24    percent in itself may not seem like a lot, there=s still,  
25    we=re talking about thousands of calls here and it=s very

1 important to those people who have their calls dropped.

2 MR. GROSSMAN: Well, your witness said to me that  
3 one percent is not significant. It=s the other things, it=s  
4 the other data that is significant.

5 THE WITNESS: No. In all due respect, Mr.  
6 Grossman, I didn=t say that it was not significant. I was  
7 trying to answer your question as if you use just the  
8 criteria of saying it=s less than one percent and using that  
9 as the basis of saying okay, there=s a need for this site,  
10 then I would say no if you=re just using that alone.

11 MR. GROSSMAN: Right. So I characterize that as  
12 insignificant if you=re using that alone. And you said  
13 there=s other data that supports it because of other factors  
14 but you=re not willing to share what that other data is and  
15 that=s why I say I think that=s problematic. You can=t come  
16 to me and say to me that I=m giving you data that doesn=t  
17 show a need, but there=s a need and I=m not showing you the  
18 other data. That=s what you=re saying to me, Mr. Hughes.

19 MR. HUGHES: That=s if you=re looking at his  
20 testimony in a vacuum and the documents in a vacuum. He=s  
21 talking about, he=s already talked about overall needs. I  
22 mean, the decision is not just on data. It=s on testimony  
23 under oath, it=s about these maps, it=s about the  
24 statistics, it=s about --

25 MR. GROSSMAN: Well, where do the maps, what=s the

1 data on which the maps are based?

2 MR. HUGHES: What=s the data? Okay.

3 BY MR. HUGHES:

4 Q Can you explain what these propagation maps, how  
5 they are, what they show and how they are created?

6 A Basically what they=re showing is -- okay.

7 Q Step back and talk to us like we are laypeople,  
8 which at least I am, for what these maps show and what they  
9 mean.

10 A Okay. Right now, in this area, let=s see, where  
11 we=re proposing to build the site, there are some homes  
12 along New Hampshire Avenue where there are a cluster of  
13 homes there, and also along Roxbury Mill Road and along  
14 Damascus Road. Now, the challenge becomes if you look to  
15 the, where, using the current on-air coverage, for example,  
16 map, if you --

17 Q Is it also true that businesses at the  
18 intersection of 650 and 97?

19 A That is correct. But I want to speak to the  
20 location and also, the need. 7 WAN 576D, if you look  
21 southwest of that area, there=s a park which is the Rachel  
22 Carson Conservation Park. And then to the north, north --

23 MR. GROSSMAN: 7 WAN 560? I don=t see that on  
24 here.

25 THE WITNESS: 7 WAN 56 -- 7 WAN 576, sorry.



1 MR. GROSSMAN: Oh, okay.

2 THE WITNESS: Southwest, there=s a Rachel Carson  
3 Conservation Park and then also, if you go north of 7 WAN  
4 576D location, north, northwest, there=s the Patuxent River  
5 State Park. Now, obviously, these are bodies of trees,  
6 foliage. So right now, using, I mean, using this location  
7 is ideal because it helps fill in this area where customers  
8 are, that are in vicinity of this park, they=re not getting  
9 the coverage, obviously, as you look here on the map where  
10 you see that it=s predominantly yellow. So --

11 MR. GROSSMAN: But the question, Mr. Jews, is how  
12 do we know that they=re not getting the coverage. What  
13 you=ve given me is -- so far, the data you=ve given me is  
14 calls dropped and number of 911 calls made --

15 MR. HUGHES: Well, that=s --

16 MR. GROSSMAN: -- and then the total calls.

17 THE WITNESS: Um-hum.

18 MR. HUGHES: That=s part of the data. The data  
19 also is the map that hopefully, he=s going to explain a  
20 little more for you.

21 THE WITNESS: Using the, using the site stats,  
22 surrounding site=s call attempt data, what I=m trying to  
23 show is the amount of volume, the amount of calls, the call  
24 attempts on the network, the strain on the network, and what  
25 this will do is aid in providing additional resources to the

1 four sites that are outside of this area that are trying to  
2 service this area but is not that effective obviously  
3 because of what I'm showing here is the lack of in-building  
4 coverage or reliable coverage.

5 MR. GROSSMAN: Well, and I'm asking you where does  
6 the map come from that shows the lack of in-building  
7 coverage? What is that based on?

8 THE WITNESS: That's --

9 MR. GROSSMAN: How do you --

10 BY MR. HUGHES:

11 Q How do you create it?

12 MR. GROSSMAN: -- arrive at the conclusion that  
13 you only have yellow in that area, in that sector?

14 THE WITNESS: Right. What I, what I, how that use  
15 that is basically my propagation tool which is using the  
16 existing structures.

17 BY MR. HUGHES:

18 Q Is it a computer model?

19 A It is a computer model.

20 Q Start from the basics for us. How is it created  
21 and what does it show?

22 A Okay. It's created by drive test data that we've,  
23 that we've collected and it uses the drive test data that  
24 we've collected. And within this modeling software, there  
25 are different morphology types that are analyzed.

1 MR. GROSSMAN: What does that mean?

2 THE WITNESS: Morphology types. There could be  
3 suburban or rural or dense urban, and there are certain  
4 losses associated in those different morphology types.

5 MR. GROSSMAN: What do you mean certain losses?

6 THE WITNESS: Losses. Well, when RF propagates  
7 throughout the atmosphere, there are certain losses. There  
8 are certain --

9 MR. GROSSMAN: Losses in signals?

10 THE WITNESS: -- losses in signal strength. So  
11 at, in residential areas, you have maybe 30 to maybe 40  
12 foot, at a max, buildings or homes versus dense urban, you  
13 have a lot taller, 10-story buildings. So the losses will  
14 be different and also, the height of the wireless facilities  
15 will be different. So all of those things are taken into  
16 account. So that is how these sites are used for the  
17 modeling so that we can have the most accurate predictions  
18 or models that we use so if I come before you and say this  
19 is the coverage that we have with our existing sites or with  
20 this proposed site, I can confidently say this is true and  
21 accurate.

22 MR. GROSSMAN: So you're telling me you did drive  
23 studies to get the data, initially, upon which the current  
24 on-air coverage in Exhibit 9A is based.

25 THE WITNESS: For the models that we're using,

1     yes.

2                   MR. GROSSMAN:   And so when were these drive  
3     studies done?

4                   THE WITNESS:   A lot of times we like to do these  
5     drive studies when the trees are mature, during summer or  
6     spring months because if we do them in the winter, that=s  
7     misleading and then the models become too optimistic.

8                   MR. GROSSMAN:   So when were the drive studies done  
9     that resulted in Exhibit 9A?

10                  THE WITNESS:   I can only -- I=m not sure the  
11     actual time but I know the season was in the summer so  
12     that=s the worst case scenario.

13                  MR. GROSSMAN:   Well, I mean, was it 10 years ago,  
14     was it last year?

15                  THE WITNESS:   No.   It=s not, not 10 years ago.   We  
16     just did a new upgrade on the modeling so I would say about  
17     within six months to a year.

18                  MR. GROSSMAN:   Okay.   And explain exactly what is  
19     done in a drive study.

20                  THE WITNESS:   Okay.   What is done in the drive  
21     study is we have a data collector who will have a receiver  
22     in his or her automobile with the cell phones inside of the  
23     automobile, and they will drive around on many, many roads  
24     to collect as many samples as possible to make the, the data  
25     as dense as possible.   And what that does is it allows us to

1     see exactly how much losses we're going to have on this  
2     road, this road, this road within a, let's say a residential  
3     community morphology or a dense urban community morphology,  
4     commercial. It just shows us how much, what are the losses  
5     that are going to be associated in that area.

6             Then if a site, such as these neighboring sites  
7     around, fall in that certain morphology, we could say okay,  
8     this site falls in a residential morphology. We have a  
9     model that we can use. We'll plug that model into that one  
10    because this will have the most accurate results possible.

11            MR. GROSSMAN: All right. So that drive study  
12    resulted in Exhibit 9A and shows that you have, on-street  
13    coverage in the sector in question, or in much of it anyway,  
14    and in-vehicle coverage, in much of it, but you don't have,  
15    it looks like you don't have an in-building coverage, is  
16    that correct?

17            THE WITNESS: That is correct.

18            MR. GROSSMAN: And then you come in with Exhibit  
19    9B which is what your projected coverage would be if you  
20    were to, were allowed to establish this proposed cell tower,  
21    is that correct?

22            THE WITNESS: That is correct.

23            MR. GROSSMAN: And how did you reach the  
24    conclusion that the proposed cell tower will give you the  
25    coverage of, all the green showing on this in-building

1 coverage that=s showing on this Exhibit 9B?

2 THE WITNESS: I came up with that conclusion based  
3 on the clutter types or the morphology types of the area, so  
4 let me explain it to you this way.

5 MR. GROSSMAN: Well, is there a computer that  
6 generates this?

7 THE WITNESS: Yes. The same tool. And I=m going,  
8 I=m going to talk about that right now.

9 MR. GROSSMAN: All right.

10 THE WITNESS: What the, the tool does, the  
11 propagation model tool does that I have, there=s a feature  
12 where it will overlay the morphology or clutter types in  
13 that area. For example, by color codes where, okay, if it=s  
14 residential, I have it as let=s say pink. If it=s foliage  
15 or dense trees, it will show it as green. So based on those  
16 colors, I can assign the appropriate models for that area  
17 because I know that it=s already taken into account all of  
18 those different characteristics. It will have, it will take  
19 into account trees, it will take into account the height and  
20 the spacing in between residential properties. So that=s  
21 how I came up with the models to use and this coverage.

22 MR. GROSSMAN: All right. Now, you also --

23 THE WITNESS: And -- sorry.

24 MR. GROSSMAN: -- indicated that there=s a total  
25 of 583,718 calls attempted within this sector. Is, what is

1     considered to be a number of calls which would be excessive  
2     for the existing four towers to handle?  In other words,  
3     does the fact that you have 583,000 versus 200,000 calls,  
4     does that make a difference and if so, what is the cut-off  
5     or criterion by which you assess when you have too many  
6     calls being handled by the existing four towers handling the  
7     sector?

8             THE WITNESS:  How can I say.  The -- that, that  
9     varies.  It varies because of the morphology types, rural,  
10    suburban and dense urban, it=s different.  I will classify  
11    this area as a bit of a rural/suburban area.  So based on  
12    that, where there=s 580 or over 500,000 call attempts, I=d  
13    say that=s a, that=s quite a number of calls for this area.  
14    So I would say that that would be justification to say we  
15    need to have some additional resources in this area.

16            MR. GROSSMAN:  Well, does the number of calls  
17    impact on the level of service?  So when you have four  
18    towers handling this number of calls, you get less service  
19    than if you had the fifth tower in the middle?

20            THE WITNESS:  Yeah.  What happens also is it, I  
21    said that it puts a strain and what I mean by the strain is  
22    once again, everyone has smart phones and they expect to be  
23    able to use and get the, get the service that they paid for.  
24    Now, when you --

25            MR. GROSSMAN:  Well, not everyone.  Everyone

1       doesn't have them.

2                   THE WITNESS:   Well, a lot of people.   What happens  
3       is the more people that you have using these sites, the  
4       slower the data speeds.   We don't -- you simply just do not  
5       have the resources to give them the data speeds that they're  
6       looking for.   Also, they're -- also you'll see the dropped  
7       calls that will happen but once again, it goes to the  
8       resources, it goes to not being able to have the ability to  
9       stream data when you would like or view the internet the way  
10      that you would like.

11                  MR. GROSSMAN:   All right.   And you're testifying  
12      that without this tower, many users of this, the smart  
13      phones or those who wish to stream data will not get  
14      adequate service?

15                  THE WITNESS:   That is correct.   Will be impacted.

16                  MR. GROSSMAN:   All right.

17                  MR. HUGHES:    Thank you.   Just a few more  
18      questions, Mr. Grossman.

19                  BY MR. HUGHES:

20                  Q       So is it fair to say that wireless services are  
21      continuing to evolve and we're evolving from a place where  
22      telephone use was the bulk of it and now capacity has taken  
23      the bulk of it away from telephone use or adding to  
24      telephone use?   Is that fair to say?

25                  A       It's taking away.   I mean, now, the growing trend



1 is to have your mobile phone. I personally have my mobile  
2 phone as my home phone. That=s everything.

3 Q So people are still, is it fair to say that people  
4 are still talking an awful lot on their cell phones?

5 A Yes.

6 Q That=s growing still but it=s not growing at the  
7 percentage it was perhaps the last decade?

8 A That=s correct.

9 Q But is it also true to say that the data growth  
10 has gone up tremendously in the last few years? Is that  
11 fair to say?

12 A That is fair.

13 Q And has T-Mobile projected those data numbers will  
14 continue to grow in a rapid fashion in the next two years?

15 A It=s going to continue to increase.

16 Q Okay. So is it true, fair to say you=re trying to  
17 continue to provide good and keep up for wireless service  
18 but you also need to watch this data demand you=ve been  
19 talking about?

20 A Yes. The data usage. Yes.

21 Q So these traditional tools and some of the tools  
22 we have here today such as this, these maps, these maps show  
23 coverage, is that correct?

24 A Yes.

25 Q Do they show capacity?

1           A     They do not show capacity.

2           Q     Okay. So explain to those of us here, there=s a  
3 distinction between capacity and coverage, correct?

4           A     Um-hum.

5           Q     There=s two sides of a coin perhaps as far as  
6 providing wireless services.

7           A     Yes.

8           Q     So this, these maps show wireless coverage. Can  
9 you explain a little bit more about capacity and challenges  
10 to capacity?

11          A     Sure. Capacity, you have to, once -- okay. Using  
12 this call attempts, once again, if you see there, it=s over  
13 500,000, this is the number of times someone has tried to  
14 access the network to use it, whether it=s for data, voice.  
15 We have to be able to provide them, I guess to be as general  
16 as possible, the room, the space in order to do that. Some  
17 users are being denied or once again, they=re given slow  
18 throughput or a data rate so either they=re not able to  
19 access, they=re not able to use the application or feature  
20 that they have paid for, or it=s not going to operate in the  
21 way that they would like. So capacity will allow them to do  
22 that but in order to have that capacity, we have to first  
23 provide the coverage. So they, they work hand-in-hand.

24          Q     Is it fair to say in some areas where you have  
25 coverage, you still need to add new cell sites to handle the

1 capacity, the volume? Is that fair to say?

2 A That is fair to say.

3 Q Okay. But in this case, you actually need both  
4 coverage and capacity, is that true?

5 A That is true.

6 Q Is it true that T-Mobile=s data usages by its  
7 customers are doubling about every six or seven months? Is  
8 that your understanding?

9 A I do understand and am aware of that.

10 MR. GROSSMAN: It would be much better, Mr.  
11 Hughes, if you didn=t lead the witness continuously, if you  
12 just asked him non-leading questions.

13 MR. HUGHES: Okay. I=m sorry, Mr. Grossman. Yes,  
14 sir.

15 MR. GROSSMAN: I mean, It would mean a lot more in  
16 terms of -- there is no objection but usually, if it=s your  
17 own witness, it=s, you=re not supposed to be putting words  
18 in his mouth which is what you=re continually doing.

19 MR. HUGHES: Okay. Thank you, Mr. Grossman. I  
20 apologize.

21 BY MR. HUGHES:

22 Q Just jumping back to just coverage, and perhaps  
23 there=s capacity, you can explain that, is there a certain  
24 number that engineers in wireless connectivity or wireless  
25 business like to use as far as success of calls that you=re

1       aware of?

2           A       Yes.

3           Q       And what would that be?

4           A       Generally, we like to at least be under two  
5       percent.

6           Q       Okay.

7           A       Yes.

8                   MR. GROSSMAN: Under two percent of what?

9                   THE WITNESS: Of access failures or drops.

10                  BY MR. HUGHES:

11           Q       And in this area and with the increased coverage,  
12       capacity needs, explain again why this site would help with  
13       the customer experience moving forward.

14                  MR. GROSSMAN: Well, if I understand it, you've  
15       met that criteria already. You are under two percent.

16                  THE WITNESS: Right.

17                  MR. GROSSMAN: Okay. Without the tower.

18                  THE WITNESS: Right. But the issue is the amount  
19       of volume in this area, and that is showing me that there is  
20       an additional need for resources in this area to provide the  
21       capacity to aid in helping the surrounding sites that are  
22       trying to do basically all that they can to serve this area.

23                  BY MR. HUGHES:

24           Q       I think Mr. Grossman is looking at today.

25           A       Yeah.

1           Q     Is everything staying the same as today? Are the  
2     number of calls and number of usage staying the same today?

3           MR. GROSSMAN: I'm actually looking at whatever  
4     evidence you present. I mean, I'm just going -- you  
5     presented the evidence. I'm just commenting on the fact  
6     that the evidence presented is that the number of dropped  
7     calls is less than one percent.

8           MR. HUGHES: Right. There=s also evidence that  
9     the usage continues to grow.

10          MR. GROSSMAN: Well, I haven=t seen statistical  
11     evidence.

12          MR. HUGHES: There=s testimony under oath.

13          MR. GROSSMAN: Well, I haven=t seen statistical  
14     evidence of it. I mean, I'm not saying that you don=t have  
15     somebody who can testify to that, and I think it makes  
16     common sense that it=s growing, I'm just saying that just  
17     based on the statistics that you=ve given me is all I'm  
18     saying. I'm not saying the other evidence isn=t considered,  
19     Mr. Hughes. I'm just telling you that --

20          MR. HUGHES: Okay.

21          MR. GROSSMAN: -- that=s what your evidence, your  
22     statistical evidence that you presented. You said the rest  
23     of it is proprietary and you=re not willing to share it.

24          MR. HUGHES: I don=t know if he said all the rest  
25     of it is.

1                   MR. GROSSMAN: No. I mean the rest of the  
2     statistical data, the number of complaints and presumably,  
3     other thing he was unwilling to share.

4                   BY MR. HUGHES:

5           Q     In your expert opinion, will this site, if  
6     approved and built, what would it do to the customer  
7     experience today, tomorrow and two years down the road?

8           A     It will give them the reliable coverage that they,  
9     that they are looking for.

10          Q     And why is that again?

11          A     Sorry?

12          Q     Why will it give them better coverage today,  
13     tomorrow and next year?

14          A     It will give them better coverage because there is  
15     the need for it, far as the commercial properties and  
16     residential properties in the area. And also with the, once  
17     again, the call volume shows there=s a need. There=s  
18     increased demand for it and that=s, this site will aid in  
19     helping to fulfill that need.

20          Q     Mr. Jews, if this site was built --

21                   MR. HUGHES: One second, Mr. Grossman. One  
22     second, please.

23                   MR. GROSSMAN: Sure.

24                   BY MR. HUGHES:

25          Q     I=m going to ask you if you can identify a

1 document and give a copy.

2 MR. HUGHES: Here you are, sir.

3 BY MR. HUGHES:

4 Q Are you able to identify this document?

5 A Yes.

6 Q Do you need to take a look at it?

7 A Yeah.

8 Q Can you tell us what this document is?

9 A This is a document I prepared that basically says,  
10 it states that the site will adhere to all FCC guidelines  
11 and it will not interfere with any public safety sites or  
12 systems in the area.

13 Q And when you talk about FCC standards, you said  
14 all standards but that includes the health emissions  
15 standards, is that correct?

16 A The health emissions standards and EME.

17 Q Okay.

18 MR. HUGHES: Those would be my questions on  
19 direct. Thank you, Mr. Grossman.

20 MR. GROSSMAN: Hang on a second. So Exhibit 26  
21 will be Curtis Jews= certificate of compliance with FCC  
22 regulations. Well, actually, he says the standards and  
23 guidelines rather than regulations.

24 (Exhibit No. 26 was marked for  
25 identification.)

1                   MR. GROSSMAN: I take it by that you mean, Mr.  
2 Jews, that you will not exceed the FCC limits on radio  
3 frequency emissions, is that correct?

4                   THE WITNESS: That is correct.

5                   MR. GROSSMAN: All right. Cross-examination?

6                   MR. HOCKSTRA: Yes.

7                                   CROSS-EXAMINATION

8                   BY MR. HOCKSTRA:

9           Q       When you did this A, B, C axis, how many homes are  
10 in here?

11                   MR. GROSSMAN: I=m sorry. What do you mean by ABC  
12 access?

13                   MR. HOCKSTRA: I think he said his data on the  
14 numbers he was given for dropped calls, emergency calls was  
15 based off of like axis A, B and C.

16                   MR. GROSSMAN: Oh, I see. The axis. I=m thinking  
17 access, A-C-C-E-S-S, but you mean axis, A-X-I-S.

18                   MR. HOCKSTRA: Oh.

19                   BY MR. HOCKSTRA:

20           Q       How many homes are in this area?

21           A       How many homes? I do not know the total number of  
22 homes. Now, the A, B, C, those are the sections, the  
23 sectors of the site.

24                   MR. GROSSMAN: Each cell tower I take it has three  
25 directional antenna.



1 THE WITNESS: That=s correct.

2 MR. GROSSMAN: And so you took the antenna that  
3 points in the direction of this site from each of the four  
4 surrounding towers.

5 THE WITNESS: That is correct.

6 MR. GROSSMAN: And you figured out the number of  
7 calls coming into that antenna. I take it that your  
8 equipment gathers that data by antenna.

9 THE WITNESS: Exactly.

10 MR. GROSSMAN: Okay.

11 BY MR. HOCKSTRA:

12 Q Is there 100 houses that this will improve  
13 coverage for?

14 MR. HUGHES: Objection.

15 MR. GROSSMAN: Well, he may ask that question. If  
16 the witness doesn=t know the answer --

17 THE WITNESS: No. I don=t know.

18 MR. HUGHES: Okay. I thought he already said he  
19 didn=t know.

20 BY MR. HOCKSTRA:

21 Q So you know how many calls were dropped and were  
22 done doing a 911 call, correct?

23 A That=s correct.

24 Q But you don=t know how many houses they came from.

25 A No. It=s not, it=s not the houses. It=s only the

1 amount of mobiles that are traveling within that area or  
2 that are being served in that area. It doesn't talk about  
3 -- we're only talking about the mobiles, the mobiles.

4 Q Only the mobiles.

5 A That's correct.

6 Q But I thought part of your in-building coverage  
7 was having a mobile inside a building.

8 A It's -- no. What it's going to do is serve the  
9 homes in that area but this data isn't considering this  
10 home, this home or this home. It's just strictly mobile  
11 usage or tablets or what have you.

12 MR. GROSSMAN: Well, you say, by mobile, usage,  
13 you mean cell phone usage.

14 THE WITNESS: That's correct.

15 MR. GROSSMAN: It doesn't have to be a mobile.

16 THE WITNESS: Right.

17 MR. GROSSMAN: It could be -- it is a cell phone  
18 usage.

19 THE WITNESS: But I was saying also devices also,  
20 yes.

MR. GROSSMAN: Okay. Maybe wireless would be  
21 a better word for us to talk about it because I think mobile  
22 gives the implication of not being inside of a house in the  
23 sense that it sounds like it's on the road.

24 THE WITNESS: Okay.

25 BY MR. HOCKSTRA:

1           Q     Do you know how many businesses would be affected,  
2     you know, would increase their business, or not just,  
3     business would increase them getting better cell phone  
4     reception by putting this tower?

5           A     I do not. I do not know the number of businesses  
6     or residential properties.

7           Q     Wouldn=t you think that would be pertinent to for  
8     your location of the tower in relation to how many  
9     businesses it would increase their cell phone capability?

10          A     I think that if you look at the maps that I=ve  
11     already supplied, you can see that the homes that are in the  
12     area will be benefitted. I don=t know the exact number but  
13     I can obviously see that there are going to be homes or  
14     commercial properties that will be benefitted by the use of  
15     this facility, but I do not know the exact number.

16          Q     Right. Well, this is rural cluster area.

17          A     Um-hum.

18          Q     And half of your improved coverage is in WSSC  
19     property which does not allow any existing homes, no new  
20     homes.

21          A     Um-hum.

22          Q     So part of your map here, you know, if you were to  
23     set it on your site plan that you had previously is going to  
24     show that the majority of this coverage that you=re showing  
25     as green, better in-building coverage, is in property that

1     you cannot even build homes.

2           A     Um-hum.

3           MR. GROSSMAN:   Are you aware -- is that a --

4           BY MR. HOCKSTRA:

5           Q     Are you aware of that?

6           MR. GROSSMAN:   Are you aware of that fact?   Is  
7     that a fact?

8           THE WITNESS:   I guess that is a fact but does  
9     that, does that -- also, there is also a state park.   There  
10    are parks in this area where obviously, people visit and  
11    frequent so I think they also deserve to have some sort of  
12    coverage in case it=s some sort of emergency or what have  
13    you also.

14          MR. GROSSMAN:   Well, they=re not in buildings.   I  
15    guess the point that --

16          THE WITNESS:   Understood.

17          MR. GROSSMAN:   -- he=s making is that why do you  
18    need additional in-building coverage when no buildings can  
19    be built there.

20          THE WITNESS:   Well, I think that first of all --

21          MR. GROSSMAN:   I guess that=s the point of your  
22    question?

23          MR. HOCKSTRA:   Right.

24          THE WITNESS:   The in-building coverage is going to  
25    be there because of when the, I could say this, the line of

1 the sight of the area, the terrain of the area and also,  
2 it=s not just okay, well, I just want to have in-building  
3 coverage in the areas like to waste this, as a waste. It=s  
4 not that. It=s because of the height of it, the line of  
5 sight of the area is the reason why I have this nice size of  
6 in-building coverage.

7 It=s not that I just -- also, if you have to --  
8 look at this, look at it this way. There are --if we go to  
9 the location of 7 WAN 576D, if you notice, the green is  
10 mostly focused on the residential properties that area along  
11 97 going north. Also, it=s focused on the residential  
12 properties that are going on 650, going west, and there are  
13 a number of, some sort of development if you go west, or  
14 sorry, east on New Hampshire Ave. So if you look at where  
15 the green is targeted, I=m trying to increase the in-  
16 building coverage to those homes. It=s not just pointing it  
17 to areas where it=s just a waste.

18 MR. GROSSMAN: So you=re saying that even though a  
19 large portion of the green area would not be where buildings  
20 are, there=s also a large portion of it where, in fact,  
21 there would be buildings that it would assist.

22 THE WITNESS: That=s, that=s correct.

23 BY MR. HOCKSTRA:

24 Q Are you aware that there=s only currently four  
25 businesses in the proximity of this tower --

1 MR. HUGHES: Objection.

2 BY MR. HOCKSTRA:

3 Q -- and they=re all commercial property?

4 MR. HUGHES: Objection.

5 MR. GROSSMAN: What=s your objection?

6 MR. HUGHES: There=s no facts in evidence about --

7 MR. GROSSMAN: Well, it=s cross-examination.

8 MR. HUGHES: -- how many businesses there are.

9 MR. GROSSMAN: He doesn=t have to have facts in  
10 evidence to ask that question if in fact he has a basis for  
11 asking it. I mean, he can=t make up a fact that he has no  
12 basis for, but it=s cross-examination of a witness and he  
13 hasn=t had an opportunity to testify yet so it wouldn=t be  
14 in evidence but he has a perfect right to ask a question  
15 that he has a basis, a factual basis for and ask the  
16 witness. So are you aware that --

17 THE WITNESS: And my question would be no, I=m --

18 MR. HUGHES: You need to answer. Okay. I=m  
19 sorry. Answer.

20 THE WITNESS: My answer would be no, I=m not aware  
21 because earlier, I said I do not know the number of  
22 businesses and residential properties, so my answer will  
23 still remain the same.

24 MR. GROSSMAN: All right.

25 BY MR. HOCKSTRA:

1           Q     Do you know that the U.S. Postal Service has a  
2     building right there that would be one of the commercial  
3     properties?

4           MR. GROSSMAN:   When you say right there, what do  
5     you mean by right there?

6           MR. HOCKSTRA:   At Georgia and New Hampshire, at  
7     the intersection.

8           MR. GROSSMAN:   Okay.

9           THE WITNESS:   That, that, I do know because of a  
10    satellite image that I did see of the area.   So that, I do  
11    know, that there is a post office there.   I do know that.

12          MR. GROSSMAN:   What=s the relevance of that?

13          MR. HOCKSTRA:   That they use a land line to do  
14    their business, not cell phones.   I=m trying to show that  
15    each business there has land lines that they use and they=re  
16    not operating their business based off of a cell phone.

17          MR. GROSSMAN:   Okay.

18          BY MR. HOCKSTRA:

19          Q     So I went and, you know, if you go and ask each  
20    one of them, they each have a land line there and they do  
21    not operate their business off of a cell phone.   So for you  
22    to say that it=s going to improve business in the area is a  
23    little misleading.

24          MR. HUGHES:   Objection.

25          MR. GROSSMAN:   Well, I asked him.   He just

1 answered my question. You can=t object to his, his  
2 answering my inquiry as to why something is relevant. You  
3 can disagree with it but it=s not objectionable. He=s not  
4 testifying to that. He=s answering my inquiry as to why it  
5 is relevant. You can disagree with it and I=ll give the  
6 opportunity now if you want to to say that it=s, that it=s  
7 not relevant, but he just answered my question. It=s not  
8 objectionable. Okay.

9 BY MR. HOCKSTRA:

10 Q Of those 911 calls that you recorded, how many of  
11 those were incorrect 911 calls, hangups?

12 A That, I do not know. I just -- how that data is  
13 recorded is whenever a subscriber or user dials 911 and they  
14 initiate the call, that=s when it=s recorded.

15 Q How many times was the police or fire department  
16 desponded or had to respond to those 911 calls?

17 A I do not know when they were deployed. I just  
18 know that that was the number of calls.

19 Q So any benefit of the 911 call actually calling  
20 the police or the fire department to a property or to  
21 someone to help or aid them?

22 A The benefit would make sure that there=s reliable  
23 coverage to --

24 Q Do you have an exact example?

25 A -- to do so.



1 MR. GROSSMAN: Let him finish the answer.

2 MR. HOCKSTRA: Okay.

3 THE WITNESS: No. The benefit is for someone to  
4 be able to have the confidence to know that that call is  
5 going to be received by 911. I think that=s the greatest  
6 benefit.

7 BY MR. HOCKSTRA:

8 Q But your report of 911 calls do not concur with  
9 showing that any police or fire department was showing up to  
10 aid somebody.

11 A Yeah. That=s out of my scope. I mean, that=s --  
12 I can=t answer that. I can=t answer that. I=m only showing  
13 the number of 911 calls that were received by the antenna or  
14 antennas in the area being served.

15 Q Can your data tell whether any of those 911 calls  
16 were a mistake?

17 A No.

18 Q How many 911 call mistakes are there in the State  
19 of Maryland per year?

20 A I do not know that statistic. I do not know.

21 Q Okay. How many people have in their homes a land  
22 line and not a cell phone? What is that percentage?

23 A I do not know that percentage.

24 Q Isn=t it true that the majority of people have  
25 land lines in their homes and not cell phones?

1           A     I don=t know about that. I know that the growing  
2     popularity of using a mobile phone or phones is something  
3     that is, that is gaining in popularity but as far as the  
4     difference between, a ratio between the two, I do not know.

5           Q     In Montgomery County, does the police, Montgomery  
6     County Police allow you to text while driving?

7           A     That is something that we definitely do not  
8     condone or promote and for far as I know, I don=t know if  
9     Montgomery County does that or not. I=m not sure.

10          Q     Isn=t it true that Montgomery County has a statute  
11     that it=s against the law to text while driving?

12               MR. GROSSMAN: Well, he said he doesn=t know.

13               MR. HOCKSTRA: Okay.

14               MR. GROSSMAN: So he=s the witness. If he doesn=t  
15     know, he doesn=t know.

16               BY MR. HOCKSTRA:

17          Q     Do you know, of the 911 calls made, how many  
18     people were actually texting and create an accident?

19          A     That, I do not know. That would be an insurance  
20     company issue.

21          Q     The RF signal on the tower, could that interfere  
22     with other RF signals?

23          A     No. We are, we, T-Mobile, has its own separate  
24     band separate from AT&T, separate from Verizon, separate  
25     from Sprint so it would not interfere or cause any sort of

1 interference with that or public safety.

2 Q So would it interfere with police CB --

3 A No.

4 Q -- if they were in close proximity to the tower?

5 A No.

6 MR. GROSSMAN: I should -- we're not allowed,  
7 under FCC regulations and statute. The FCC preempts that  
8 area. That is the question -- as long as they certify that  
9 they will follow FCC regulations, the local authorities  
10 reviewing land use are not permitted to review the possible  
11 RF frequency interference or any concerns about health  
12 effects of radio waves. It's preempted by the Federal  
13 Government.

14 MR. HOCKSTRA: Okay.

15 BY MR. HOCKSTRA:

16 Q What's the difference between a dropped call and  
17 someone hanging up? How can the computer or whatever  
18 register that?

19 A Good question. What you have is called a normal  
20 termination and it records through layer message. That's  
21 something that happens in the background during a  
22 conversation of a call. There's certain messaging that will  
23 be reported to the switch that shows that there was a normal  
24 termination of the call, that the person or the caller hit  
25 end or just simply closed their phone. But when it's a

1 dropped call, it will show as an abnormal termination or  
2 something to that. I'm not exactly sure of the nomenclature  
3 that's used but it will show that there was an abnormal  
4 termination of the call. So that's how it reports a dropped  
5 call or if it was just a regular ending of a call. And --

6 Q And like whose end? Like if I call you and say  
7 goodbye and I hit end but you don't hit end, is it  
8 considered a dropped call because there was no termination  
9 on your side?

10 A No. It is not. As long as they are on either  
11 end, as long as there was an ending by myself or the party  
12 that's on the other line, as long there's someone hitting  
13 the end, then it's not. Now, if I am speaking with the  
14 other party and neither of us hit end or normally, do a  
15 normal termination of a call, then that's a dropped call.  
16 As long as someone hits it, it's --

17 Q How about cell phone through a land line when you  
18 just hang up?

19 A A cell phone to a land line?

20 Q If I'm calling my house and my wife answers and  
21 I'm on a cell phone. I'm still talking and she says I don't  
22 want to talk to you anymore and just hangs up, how is that  
23 recorded?

24 A That's a personal problem but, no. I mean, no.  
25 That's not a dropped call. That's still a normal

1       termination if she, if she hangs up or if a party hangs up.

2           Q       Okay.

3           A       Yeah.

4           Q       When you were doing your drive by study, how were  
5       you able to drive back to the WSSC property and record this  
6       data?

7           A       Which data?

8           Q       Your in-building coverage, your in-vehicle  
9       coverage and your on-street coverage.

10          A       Um-hum.

11          Q       I mean, they probably have 1700 acres right there.

12          A       Yeah, no.   What we would do is we have what=s  
13       called like scan, scan data, and what that does is it takes  
14       a reading of the state of the network or the type of  
15       coverage that we have in this area.   What that consists of  
16       is driving on all the major roads, also inside of the  
17       communities or properties.   That=s how we collect this data.  
18       So it=s, once again, we use that.   Then we transfer it over  
19       to what you have before you.   That=s how we=re able to come  
20       to this conclusion of need.

21          Q       Okay.   So you=re just doing driving.   You=re not  
22       walking into the property to check what the current signal  
23       is or signal strength.

24          A       There --

25          Q       So you=re just driving on the main access roads?

1           A     We=re driving on the main access roads, we=re  
2     driving in the small, in the residential areas and with  
3     that, we=re able to conclude that there isn=t sufficient  
4     amount of in-vehicle coverage or, in-vehicle, in-home or on-  
5     street.

6           Q     What variables could skew this being an accurate  
7     reading?

8           A     If we don=t get the proper amount of samples. Say  
9     that -- we have to have enough samples to be able to stand  
10    confidently by what we=re presenting before you. So let=s  
11    say, for example, if this area has residential properties,  
12    trees and open land, or open area, I like to try to get  
13    about over 3,000 to 4,000 samples depending on what clutter  
14    we have there the most. So that way, I could get an  
15    accurate reading. So that way, I could say okay, yes.

16                If I say that at this height and pointing the  
17    antennas in this direction, that this is the type of loss  
18    that=s going to be associated and these are going to be the,  
19    these are going to be the levels that I would, I can expect  
20    in this area. So it=s all about the number of samples and  
21    it=s all about the roads driven.

22           Q     So how many samples did you guys take?

23           A     That, I=m not sure. I=m sure that it was an  
24    adequate amount. I can=t give you -- I don=t know if  
25    offhand. I just, I don=t know it but I know that it wasn=t

1 an adequate amount. If it wasn=t, I wouldn=t have used it.

2 Q Did you do the drive study?

3 A One of my teams did, or a team of engineers did.

4 One of my guests did it and I analyzed it and looked it over  
5 to make sure it was, it was proper.

6 Q Do you have to be licensed to do the drive study?

7 A No, you do not.

8 Q How about do you have to be certified?

9 A No. Not to collect data, no.

10 Q Do you have to be trained?

11 A You do have to be trained, and I make sure that=s  
12 done.

13 Q So the person that did the drive study, were they  
14 trained?

15 A They were trained?

16 Q Do you know their name?

17 A Yeah. I do, actually. His name is Brandon.

18 Q Just Brandon?

19 A Brandon Zhang.

20 Q And he=s been working for you for how long?

21 A Over a year.

22 Q So for one year. And it takes what, a week to get  
23 trained, or how long to get trained?

24 A It depends but it usually doesn=t take that, that  
25 long.

1           Q     So do you have requirements in order to train  
2     somebody to say hey, you=re competent enough to do a drive  
3     by study that we can use that information to come up with a  
4     map?

5           A     Yes. Using prior experience in this field, that=s  
6     usually the major requirement because the process is a  
7     person is obviously inside of a vehicle, they have a laptop  
8     and cell phones inside their car, and then there are certain  
9     things on the software that we use to collect the data that  
10    they need to watch for, listen for. There=s also an audible  
11    type of software where there are certain messages it  
12    actually speaks. So there are certain things you need to  
13    listen for and look for in monitoring.

14          Q     Okay. So Brandon Zhang did your study with one  
15    year working for you, and he had prior experience with  
16    another cell phone company or RF engineer?

17          A     I believe so, yes. Yes.

18          Q     Yes or no?

19          A     Yes.

20          Q     Do you know what the other company, that other  
21    company was?

22          A     I do not.

23                MR. GROSSMAN: I think we=re going a little bit  
24    far afield here.

25                MR. HOCKSTRA: Okay.



1           MR. GROSSMAN: I understand your point and I think  
2   you=ve made your point quite well in your cross-examination  
3   but I don=t think you have to go further on that. Unless  
4   you=re going to have some evidence that you=re going to  
5   bring to bear regarding Mr. Zhang=s qualifications, I don=t  
6   think that=s pressing.

7           MR. HOCKSTRA: No, sir. I=m not.

8           MR. GROSSMAN: Okay.

9           BY MR. HOCKSTRA:

10          Q    Did you do any in-building coverage where you  
11   actually walked in a house to check out a signal?

12          A    We have not on this particular one but we have  
13   done a number of them. IMF building in downtown D.C.

14          Q    No. I just mean relative to this cell tower. I=m  
15   sorry.

16          A    Oh, no. Not here.

17          Q    Does Montgomery County allow you to talk with a  
18   cell phone while driving?

19          A    From your answer earlier, no.

20          Q    You=re the expert witness.

21          A    I=m going off what you -- I know. That=s correct.  
22   And I answered your question and told you I did not know  
23   that, and then you also told Mr. Grossman that you --

24               MR. GROSSMAN: He doesn=t claim to be an expert in  
25   rules of the road. He=s an expert in radio frequency so,

1       engineering.

2                   MR. HOCKSTRA:  I was trying to link, you know, of  
3       the people going through the area, that they=re not  
4       allowed --

5                   MR. GROSSMAN:  I know what you=re trying to do but  
6       I=m just saying that you=ve exhausted --

7                   MR. HOCKSTRA:  Okay.

8                   MR. GROSSMAN:  -- on that point, what this witness  
9       can testify to.  He=s already --

10                  THE WITNESS:  Actually, can I bring some  
11       clarification?

12                  MR. GROSSMAN:  No, no, no.  No.  You=ve answered  
13       the question.

14                  THE WITNESS:  All right.

15                  BY MR. HOCKSTRA:

16                Q     Do you know the statistical data on how many  
17       accidents are caused by using cell phones or mobile devices?

18                A     I do not know that statistic.

19                Q     Does this map concur with the T-Mobile map that  
20       you guys sell your phone coverage?

21                A     Yes.

22                  MR. GROSSMAN:  By this map, you=re talking  
23       about --

24                  THE WITNESS:  The PCC.

25                  MR. GROSSMAN:  -- Exhibit 9A?

1 MR. HOCKSTRA: Exhibit 9A.

2 MR. GROSSMAN: Okay.

3 BY MR. HOCKSTRA:

4 Q Correct?

5 A Yes. It=s the PCC map that=s on our website.

6 Yes.

7 MR. HOCKSTRA: Okay. No further questions.

8 MR. GROSSMAN: Any redirect?

9 MR. HUGHES: Yes, please.

10 REDIRECT EXAMINATION

11 BY MR. HUGHES:

12 Q So if this site is approved and built, would it  
13 provide enhanced coverage and capacity to any businesses  
14 that are located in this area?

15 A Yes.

16 Q If this was approved and built, would it provide  
17 enhanced connectivity for, sorry, for coverage and capacity  
18 for businesses that travel in this area?

19 A Yes.

20 Q Would it --

21 MR. GROSSMAN: The question, I just want to --

22 MR. HUGHES: Yes.

23 MR. GROSSMAN: -- stop you because the question is  
24 not whether it=s going to enhance, it=s whether there=s a  
25 need for it. So I just want you --

1 MR. HUGHES: Well, there=s two questions.

2 MR. GROSSMAN: -- to understand.

3 MR. HUGHES: No, no. Well, I disagree.

4 Certainly, there is a question about whether it will enhance  
5 it. The first -- we have to prove need. I understand that.

6 MR. GROSSMAN: Okay.

7 MR. HUGHES: But I=m also trying to talk about  
8 what would happen if it was built, what would it provide.

9 MR. GROSSMAN: Then fine. I just wanted you to  
10 understand that the more fundamental question in terms of  
11 the Zoning Ordinance is whether there=s a need for it. I  
12 don=t know that the Zoning Ordinance specifics enhancing  
13 service. It talks about whether there=s a need. That=s my  
14 recollection of this section.

15 MR. HUGHES: No. I agree with you, Mr. Grossman.

16 MR. GROSSMAN: Okay. All right. So you can ask  
17 the question.

18 MR. HUGHES: Okay.

19 MR. GROSSMAN: I just wanted you to be aware of  
20 that. It will enhance the coverage. That=s what he=s  
21 testified to.

22 BY MR. HUGHES:

23 Q Would it enhance the coverage and capacity for  
24 businesses that come to and service the homes in this area?

25 A Yes.

1           Q     Okay. Again, is it fair to say that there=s a  
2     need for enhanced service --

3           MR. GROSSMAN: Well, once again, you=re leading  
4     him when you say is it fair to say.

5           MR. HUGHES: Okay.

6           MR. GROSSMAN: You can just say is there, not is  
7     it fair to say that.

8           BY MR. HUGHES:

9           Q     This map, the current on-air coverage map --

10          MR. GROSSMAN: Exhibit 9A?

11          MR. HUGHES: Yes. Yes, sir.

12          MR. GROSSMAN: The current one is 9A, yes.

13          BY MR. HUGHES:

14          Q     Does it show that there is a need for enhanced  
15     coverage in this area?

16          A     Yes.

17          Q     Okay. Does this type of tool, this map show  
18     whether there is a need, or does it show if there is a need  
19     for enhanced capacity?

20          A     No, it does not.

21          Q     Is it true that you testified that there=s also  
22     need for capacity enhancement?

23          A     Yes. I did testify to that.

24          Q     Okay.

25          MR. HUGHES: Those are my questions. Thank you,

1 Mr. Grossman.

2 MR. GROSSMAN: Any recross?

3 MR. HOCKSTRA: (No audible response.)

4 MR. GROSSMAN: All right. Thank you, Mr. Jews.

5 Now, is Ms. Morrison your next witness?

6 MR. HUGHES: Yes, sir.

7 MR. GROSSMAN: And how long would you anticipate  
8 her testimony to take?

9 MR. HUGHES: I think on direct, I can get through  
10 with her in about, it will probably be about 15 minutes.

11 MR. GROSSMAN: All right. The reason I ask is as  
12 to whether or not I need to break for lunch or whether we  
13 finish without calling for that. How long would you  
14 anticipate your testimony to take, sir?

15 MR. HOCKSTRA: I would say just 10 or 15 minutes.

16 MR. GROSSMAN: Okay.

17 MR. HOCKSTRA: Who all do you have left?

18 MR. GROSSMAN: Just Ms. Morrison and then  
19 yourself, but the question is the cafeteria will, the  
20 cafeteria stays open but the grill there will close at 2 and  
21 I want people to have an opportunity to get some lunch if  
22 we're going to run over, so that's why I raised this  
23 question. I'm perfectly fine in just going through.  
24 Whatever is your pleasure. What do you prefer to do?

25 MR. HUGHES: We're happy to go through too, Mr.

1 Grossman. Up to you and the other gentleman.

2 MR. GROSSMAN: What do you prefer?

3 MR. HOCKSTRA: Yes. Let=s keep going.

4 MR. GROSSMAN: All right. Well, let=s take a five  
5 minute break and then we=ll come back and then we=ll just  
6 finish.

7 MR. HUGHES: Thank you.

8 (Whereupon, at 1:19 p.m., a brief recess was  
9 taken.)

10 MR. GROSSMAN: We=re back on the record then.  
11 Your next witness.

12 MR. HUGHES: Thank you. I call Ms. Hillorie  
13 Morrison.

14 MR. GROSSMAN: All right. Ms. Morrison, would you  
15 raise your right hand, please?

16 (Witness sworn.)

17 MR. GROSSMAN: All right.

18 THE WITNESS: Is it okay to sit here?

19 MR. GROSSMAN: Sure. Is there someplace else  
20 you=d prefer to sit?

21 DIRECT EXAMINATION

22 BY MR. HUGHES:

23 Q Ms. Morrison, can you tell us the name of your  
24 company that you work for?

25 A I work for Network Building and Consulting, and

1 we=re a consulting firm. I work 100 percent for T-Mobile.

2 Q Okay. I=m going to ask you if you can identify a  
3 document but I=m going to show it to Mr. Hockstra first.

4 MR. HUGHES: I don=t have extra copies. I  
5 apologize.

6 BY MR. HUGHES:

7 Q Do you recognize this document?

8 A Yes. That is my resume.

9 MR. HUGHES: Mr. Grossman, and I apologize. This  
10 has markings on it.

11 MR. GROSSMAN: Okay. You know, you can actually  
12 submit these to the record in advance to the hearing so the,  
13 in your other telecommunications cases and then you wouldn=t  
14 have to worry about --

15 MR. HUGHES: And I think -- I apologize. I think  
16 I know the answer but let me confirm with you. Is it okay  
17 if we give them a disc when we file at SC also with the  
18 documents that are in the application file?

19 MR. GROSSMAN: Oh, yeah. Absolutely.

20 MR. HUGHES: We could do it right at the  
21 beginning?

22 MR. GROSSMAN: Absolutely. But if there are any  
23 changes, you have to --

24 MR. HUGHES: Right. Update it.

25 MR. GROSSMAN: -- update it.



1 MR. HUGHES: Okay.

2 MR. GROSSMAN: Yes. Actually, that=s even better.

3 BY MR. HUGHES:

4 Q Ms. Morrison, can you tell us a little bit about  
5 your professional and educational background?

6 MR. GROSSMAN: By the way, Ms. Morrison=s resume  
7 is Exhibit 27.

8 (Exhibit No. 27 was marked for  
9 identification.)

10 MR. HUGHES: Thank you.

11 THE WITNESS: Yes. I have a background, I have a  
12 master=s degree in planning from University of Wisconsin and  
13 I have a law degree from University of Maryland. I=ve  
14 practiced in the planning field for about 15 years and I=ve  
15 been doing telecom, telecommunications work for about 10  
16 years.

17 MR. GROSSMAN: I guess we won=t hold it against  
18 you that you=re a lawyer, or maybe we=ll hold it, other  
19 people may hold it against you. All right.

20 BY MR. HUGHES:

21 Q Ms. Morrison --

22 MR. HUGHES: I=m sorry. Mr. Grossman, I=d like to  
23 offer Ms. Morrison in as an expert. I believe she=s been  
24 recognized as one before.

25 MR. GROSSMAN: I don=t know that, I don=t think

1     you=ve ever testified before me.

2                 MR. HUGHES:  Ah.  Let me --

3                 MR. GROSSMAN:  Is that correct?

4                 MR. HUGHES:  Maybe I should back up a little bit  
5     then.

6                 MR. GROSSMAN:  What case have you testified, just  
7     testified before me?

8                 MR. HUGHES:  Mount Airy, 564.  The power line  
9     case.  Wasn=t that yours?

10                THE WITNESS:  Mullinix Mill Road.

11                MR. HUGHES:  What was the name of the landlord?

12     It=s the --

13                THE WITNESS:  The Izaak Walton.

14                MR. HUGHES:  The Izaak Walton.

15                MR. GROSSMAN:  The Izaak Walton?  Did you testify  
16     in Izaak Walton?  I don=t --

17                THE WITNESS:  Oh, yeah.

18                MR. GROSSMAN:  I don=t recall.  Possible.

19                MR. HUGHES:  But maybe I --

20                MR. GROSSMAN:  It=s possible I just don=t recall.

21                MR. HUGHES:  I should back up maybe and ask her a  
22     bit more about her --

23                MR. GROSSMAN:  Yes.

24                BY MR. HUGHES:

25                Q     Ms. Morrison, have you ever testified before at a

1 zoning case like this?

2 A Yes. Frequently.

3 Q Have you ever been recognized as an expert?

4 A Yes.

5 Q Do you know which jurisdictions you've been  
6 recognized as an expert in?

7 A Montgomery County. Carroll County. Howard County  
8 just as a, they don't do expert witnesses. I've testified  
9 before Howard County. I've --

10 MR. GROSSMAN: As an expert in land use planning?

11 THE WITNESS: I don't know if they, I don't know  
12 if they do expert witnesses but --

13 BY MR. HUGHES:

14 Q So they don't in Howard County.

15 A -- I certainly testified before them. Yes. Land  
16 use planning.

17 MR. GROSSMAN: No. I mean, in Montgomery  
18 County --

19 THE WITNESS: Yeah.

20 MR. GROSSMAN: -- you've testified as an expert in  
21 land use planning in cell tower cases?

22 THE WITNESS: Yes.

23 MR. GROSSMAN: Okay.

24 THE WITNESS: Or generally as a land use planner.

25 MR. GROSSMAN: Okay.

1                   THE WITNESS:  Let=s see.  Where else?  Baltimore  
2  County.  Carroll, Frederick.

3                   BY MR. HUGHES:

4           Q     Have you done it in Harford?

5           A     I haven=t done any in Harford.

6           Q     Okay.

7           A     And then of course not in Virginia.

8           Q     Okay.

9                   MR. HUGHES:  Mr. Grossman, I=d like to offer her  
10 as an expert in land use planning.

11                  MR. GROSSMAN:  All right.  Any questions regarding  
12 her expertise?

13                  MR. HOCKSTRA:  No, sir.

14                  MR. GROSSMAN:  Okay.  Based on Ms. Morrison=s  
15 prior testimony as an expert in land use planning, I accept  
16 her as an expert in such.

17                  MR. HUGHES:  Thank you, sir.

18                  BY MR. HUGHES:

19           Q     You=ve worked on this map for T-Mobile, is that  
20 correct?

21           A     That is correct.

22           Q     I=m going to ask you if you can recognize some  
23 documents.

24                  MR. HUGHES:  I think I already gave a copy of the  
25 photo sims to Mr. Hockstra.  Yes, okay.  These are, these

1     should be item 10.   Would you like a copy, Mr. Grossman, so  
2     you don=t have to dig through that one?

3             MR. GROSSMAN:   Oh, thank you.

4             BY MR. HUGHES:

5             Q     Do you recognize this document?

6             A     Yes.   This is a document of what we call the photo  
7     simulations.

8             Q     Okay.

9             A     For the Sunshine property.   And what we do is we  
10    fly a balloon to the height of the pole which in this case  
11    would be 120 feet.   It=s a three-foot wide red weather  
12    balloon.   We drive around the surrounding area on the public  
13    roads and note anywhere where we can see the balloon and  
14    also note places where we can=t see the balloon to give you  
15    a representation of the visibility.   Then what we do once we  
16    have pictures of the balloon is we simulate what the pole  
17    would look like based on the design that we=re choosing  
18    which in this case, is this T-cell monopole.

19            Q     Okay.   And are you able to step up there and point  
20    to the --

21            A     Sure.

22            Q     -- to the item in the middle and explain what that  
23    is, and then briefly walk us through what these items show?

24            A     This is the location map so --

25            Q     Can you step back just a little bit so Mr.

1 Hockstra can see?

2 THE WITNESS: Can you see?

3 MR. HOCKSTRA: I=m good. I got one right here.

4 THE WITNESS: The star in the middle is the  
5 Sunshine property, the Sunshine Farms property. That=s  
6 where we floated the balloon, and then there is one, two,  
7 three, four, there=s five, there=s six shots, there=s six  
8 different photographs that we shot it from.

9 So starting with the view from the north, which  
10 was taken just beyond Patuxent River to the north -- we have  
11 a view that=s a mile away because the Tower Committee  
12 requires a view from a mile away, so recording that view.  
13 Triadelphia road to the east, to the northeast of the site  
14 or really closer from the north. You can see the monopole  
15 and you can also see the lines of the transmission tower in  
16 that picture. It=s taken from 2812 Triadelphia Lake Road.

17 The shot from further south looking towards the  
18 site, so that would be northwest, again, you can see the  
19 pole in the distance. This is about a half a mile away, a  
20 little more than half a mile away. You do see the pole. It  
21 should be noted that these photographs were taken before the  
22 leaves were on the trees so.

23 BY MR. HUGHES:

24 Q So on this map, can you again, and I apologize if  
25 you said it, can you tell what this map shows besides a dot

1 showing where the photo was taken? Is there other  
2 information on this map?

3 A It shows the six locations where we took the  
4 photos from. It also shows the distance.

5 Q Okay. And I'm going to ask you about this photo  
6 up top, which is 45597, are there some other structures you  
7 can see and lines you can see in that?

8 A You can certainly see telephone poles, utility  
9 poles and then all the lines.

10 Q It's true that you noted in some of the  
11 photographs you can see the power --

12 A Yes.

13 Q -- power poles and the lines, is that correct?

14 A Yes. It's -- those aren't lattice towers. I'm  
15 not sure what they call those. H poles maybe. There's kind  
16 of two monopoles and then there's some cross spaces.

17 Q Do you know how tall those Pepco poles are and  
18 lines?

19 A I believe those are 130 feet. I don't know. The  
20 closest poles to our monopole are 130 feet. I don't know  
21 the height of every pole.

22 Q They can vary a few feet in height?

23 A Yeah. It depends on who is carrying it.

24 Q Okay. And did you talk to, or did T-Mobile talk  
25 to Pepco about locating on the Pepco poles there?

1           A     Yes. That was our first contact was to Pepco.  
2     That seemed like the obvious place to put the antennas.  
3     Unfortunately, Pepco=s policy had changed. We could no  
4     longer put antennas above their utility installations. We  
5     had to put our things below. They actually greatly  
6     preferred that we didn=t use them at all because of the  
7     voltage that they were carrying. In the end, the height  
8     that they gave us couldn=t have worked and they also  
9     discouraged us just because they didn=t like us interfering  
10    and concerned about the safety of workers.

11          Q     What was the height they would offer you?

12          A     I think it was 70 feet.

13          Q     And what=s the magic number? What is it they want  
14    you below or above?

15          A     They want you 20 feet below their installations.  
16    They need to protect their workers. They don=t want their  
17    workers climbing up the pole going past, getting anywhere  
18    near antennas.

19          Q     Now, Pepco has a lot of towers throughout the  
20    County and they have a lot of, is it true they have a lot of  
21    cell antennas on these?

22          A     They do.

23          Q     So when did this policy change? Do you know about  
24    when it was?

25          A     I know it changed as of March 2009 and it had to



1 do with the 5,000 kilowatt, the poles that were carrying the  
2 highest voltage.

3 Q Okay. So it didn=t change on some of the other  
4 lower voltage ones?

5 A No. If you do the -- T-Mobile was looking at a  
6 number of poles throughout Pepco=s service area. We gave  
7 them a list of all the poles we were looking at, we were  
8 looking at. They gave us a list back that said no, no, no,  
9 no to certain poles, and this was one that they said no.

10 Q Have you had other cases similar to this one in  
11 Montgomery County where they were approved but -- let me  
12 back up. Did the Tower Committee review the Pepco  
13 situation?

14 A Yes.

15 Q And did they concur that the height that Pepco was  
16 offering was sufficient or not sufficient?

17 A They said it wasn=t sufficient and they understood  
18 Pepco=s decision.

19 Q But if Pepco would let you go above like they used  
20 to, that would have worked for T-Mobile, is that correct?

21 A Absolutely. We would have had our antennas on  
22 there in April of 2009.

23 MR. GROSSMAN: Did anybody talk to Pepco to find  
24 out whether they could change that policy back?

25 MR. HUGHES: Can I put that as a question to her?

1                   MR. GROSSMAN: Yes. That=s my question to Ms.  
2 Morrison.

3                   BY MR. HUGHES:

4           Q       Is it your understanding that Montgomery County  
5 and/or the Tower Committee had in depth conversations with  
6 Pepco and they would not budge on this policy, if you know?

7           A       There were several inquiries. It was an absolute  
8 no. As an aside, it=s a debate between utility companies  
9 and telecommunications carriers and what the FCC says about  
10 leasing and what their policy is, and each utility company  
11 has their own policy and they=re allowed to set it. It=s  
12 part of a larger issue.

13                  MR. GROSSMAN: I just wondered whether, I mean,  
14 utility companies are regulated also. If they don=t have  
15 evidence that it interferes with their operation, it seems  
16 to me to be a no-brainer to put it on top of their towers,  
17 but.

18                  MR. HUGHES: They used to do it and that=s what=s  
19 even more frustrating, they reversed course. And it=s a  
20 part of revenue generating.

21                  THE WITNESS: Their main goal is to, is to provide  
22 uninterrupted service to their customers, so they don=t want  
23 anything that=s going to have outages, temporary outages so  
24 it=s a larger debate. I know that for this pole, they  
25 absolutely said no and there=s no going back and getting

1       them to say yes.

2                   MR. GROSSMAN:   I understand.

3                   BY MR. HUGHES:

4           Q       Ms. Morrison, were there any other sites that T-  
5       Mobile considered in this area?

6           A       There are a couple that we considered.   Not for  
7       co-location, we couldn't find any other structures tall  
8       enough, but we did look at a couple other properties.   We  
9       had one in front of the Tower Committee, the Brown property,  
10      there was also quite close to the power line.   We planned to  
11      go forward with a special exception request but the property  
12      owner decided they didn't want to move forward.

13                  MR. GROSSMAN:   Is it true that that one would have  
14      required waivers of setback requirements?

15                  THE WITNESS:   I believe so.

16                  MR. GROSSMAN:   I think I saw that in the plan,  
17      yes.   This particular application does not require any  
18      setback waivers, is that correct?

19                  THE WITNESS:   We've more than made all the  
20      setbacks.   I'm considered an expert in the Zoning Ordinance  
21      of Montgomery County.   The way the consulting relationship  
22      works between NB&C and T-Mobile is I'm hired to know  
23      specifically all the zoning regulations and be able to site  
24      this in accordance to zoning.

25                  BY MR. HUGHES:

1           Q     And on that Brown property, is it true the Tower  
2     Committee, what was the Tower Committee=s position on that  
3     application?

4           A     The original --

5           Q     If you know.

6           A     I=m testifying to my recollection, and it=s in  
7     your records, at the time, they went through a phase that  
8     they were petitioning their approvals on obtaining setbacks.  
9     I believe they saw a need for the tower and accepted that  
10    we wouldn=t go on the Pepco tower.

11           MR. GROSSMAN:   Well, the best evidence of that is  
12    actually in the record --

13           THE WITNESS:   Yeah.

14           MR. GROSSMAN:   -- attached to the Tower  
15    coordinator=s report so --

16           MR. HUGHES:   All right.   Thank you.

17           BY MR. HUGHES:

18           Q     And so what was the Tower Committee=s position  
19    regarding this particular proposal?

20           A     The Tower Committee found that there was a need,  
21    that the, well, that there were no other possible structures  
22    to co-locate on once, they were satisfied that we couldn=t  
23    co-locate on Pepco, and that there was a need and that the  
24    height was appropriate and that we could accommodate co-  
25    location.

1           Q     Thank you. Ms. Morrison, do you believe this  
2     application is consistent with the general plan for this  
3     area?

4           A     I do. The parcel is located -- I'm going to talk  
5     into the microphone.

6           Q     Do you want to sit down? Yes.

7           A     Yeah.

8           Q     Absolutely. Please.

9           A     The parcel is located in an RC Zone. The Zoning  
10    Ordinance permits telecommunications facilities towers in an  
11    RC Zone so we're, therefore, consistent with the master plan  
12    in that way. We reviewed the only master plan which is, has  
13    nothing that was inconsistent. There's nothing about this  
14    application that's inconsistent with that plan.

15          Q     Do you believe it will be in harmony with the  
16    general character of the neighborhood?

17          A     I do. As mentioned on the Staff Report, I think  
18    it's on page 6, we're able to site the telecommunications  
19    tower here so that it's right next to a stand of very mature  
20    leyland cypress. They're planted very densely. They are a  
21    good 40 feet tall, maybe taller. Also, we've got the tower  
22    not in the corner of the property but visually close to the  
23    line of very prominent transmission towers.

24                So if you go through the rest of the photo sims, I  
25    think you could see that even with no leaves on the trees,

1 the proposed facility blends in well with the visual aspect,  
2 with what you can see in the area. It doesn't -- it's not  
3 invisible but it doesn't stick out that much more than the  
4 existing poles do for the utility line. And in many places,  
5 there's no view at all.

6 MR. GROSSMAN: Okay.

7 BY MR. HUGHES:

8 Q In your opinion, would this be detrimental to the  
9 peaceful enjoyment, economic value of development of  
10 surrounding properties of this neighborhood?

11 A In my opinion, no, because of its limited visual  
12 impact. Also because it won't generate parking or traffic.

13 Q Will it cause any objectionable noise, vibrations,  
14 fumes, odors, dust, illumination, glare?

15 A No. The tower will not be lit. We have a report  
16 from a company called the Jeppesen Company that takes the  
17 location and reviews it for FAA criteria. That company  
18 found that the pole will not be required to be lit.

19 Q Do you recognize this document?

20 A Yes. That is the Jeppesen report.

21 MR. GROSSMAN: All right. We'll make that Exhibit  
22 28, the Jeppesen Report re: FAA regulations.

23 MR. HUGHES: Thank you.

24 (Exhibit No. 28 was marked for  
25 identification.)

1           THE WITNESS: T-Mobile doesn=t use generators.  
2   They use backup batteries so there=s not an issue of  
3   vibration. Even if there was vibration from generator, we  
4   have such substantial setbacks here that any noise would not  
5   go beyond the property line.

6           BY MR. HUGHES:

7           Q     In your opinion, would this adversely effect the  
8   health, safety, security, morals or general welfare of the  
9   residents, visiting workers in this area?

10          A     Uhn-uh. No. As Mr. Jews just testified, we=d be  
11   meeting all emissions standards. In terms of health and  
12   safety, I think it enhances health and safety. It improves  
13   wireless communication. As you have more antenna sites,  
14   it=s easier for a 911 responder to find the person who is  
15   making the call.

16          Q     Have you read the Staff Report in this case?

17          A     I have.

18          Q     Do you recall if the Staff Report noted if there  
19   are any special exceptions on this property or in proximity?

20          A     There are no special exceptions on this property.  
21   I don=t recall that they found any in proximity. I=m not  
22   aware of any in proximity.

23          Q     If there was one noted in the Staff Report as a  
24   landscaping company across the street --

25               MR. GROSSMAN: Why don=t you let her look at the

1 Staff Report.

2 BY MR. HUGHES:

3 Q All right. I'll show you.

4 A What page?

5 MR. HUGHES: I apologize, Mr. Grossman.

6 BY MR. HUGHES:

7 Q In the Staff Report, can you take a look at page  
8 11, no. 7 and review that, please?

9 A Yes. I'm aware of that --

10 Q Would you concur with Staff=s position there?

11 A Yes.

12 MR. GROSSMAN: And the Staff=s position is?

13 MR. HUGHES: I apologize. It says, their second  
14 sentence, there is a lawn care firm across Georgia Avenue  
15 that holds a special exception, S-1713. The use can be  
16 considered generally agricultural in nature. The passive  
17 nature of the proposed telecom facility, like the electric  
18 transmission lines of adjoining properties to the south,  
19 will not change the area=s existing character even when  
20 considered in the context of the existing special exception  
21 use across the street.

22 THE WITNESS: Yeah. I agree. And again, as they  
23 mention in the Staff Report, since I brought out, there=s  
24 very, there=s very little visibility from the other side of  
25 Georgia Avenue.



1 BY MR. HUGHES:

2 Q In your opinion, will this be, will the facility  
3 be served by adequate public services and facilities?

4 A Yes. There will be no impact on sewer or water,  
5 education.

6 MR. GROSSMAN: Transportation?

7 THE WITNESS: Transportation, as I mentioned,  
8 yeah.

9 BY MR. HUGHES:

10 Q I'm going to ask you to identify a document. Do  
11 you recognize this document?

12 A Yes.

13 Q And can you tell us what it is, please?

14 A It's an affidavit from William O'Brien, who is the  
15 real estate manager at T-Mobile, testifying that T-Mobile,  
16 when they install the tower, will register any batteries in  
17 the County's high-use facility registration program.

18 Q Is it true that --

19 A That's just materials.

20 Q -- if this is approved and you do have backup  
21 batteries, you do need to register those per Montgomery  
22 County law?

23 A We have to by Montgomery County law, and T-Mobile  
24 will comply with the law.

25 MR. GROSSMAN: That will be Exhibit 29, the

1 affidavit of Mr. O'Brien.

2 MR. HUGHES: Thank you.

3 (Exhibit No. 29 was marked for  
4 identification.)

5 BY MR. HUGHES:

6 Q And I'm going to ask you if you can identify  
7 another set of (indiscernible) together.

8 A The first page of this document headed with the T-  
9 Mobile logo is a fact sheet about the, the Ericsson radio  
10 base station cabinet that T-Mobile uses and gives the  
11 chemical safety information. And then there's several pages  
12 with the Northstar logo. This gives very specific  
13 information about the lead acid batter that Northstar uses.  
14 T-Mobile's affidavit states that it will use either the  
15 specific products mentioned in this handout or with  
16 equivalent or better specifications.

17 MR. GROSSMAN: That will be Exhibit 30 as a  
18 description of the Northstar batteries.

19 (Exhibit No. 30 was marked for  
20 identification.)

21 MR. GROSSMAN: Just out of curiosity, I know that  
22 you have these proof sheets on the batteries and so on for  
23 all these cases. Why is it that they're not submitted in  
24 advance in the record rather than added on at the hearing?

25 MR. HUGHES: That's a good question. No

1 particular reason, sir.

2 MR. GROSSMAN: So in the future in other cases,  
3 I=d ask that you do that because technically, one could  
4 consider that an amendment to the petition the way these  
5 rules, the Board of Appeals= rules have been interpreted  
6 even though you haven=t changed the site description form,  
7 they=re additional substantive documents and which  
8 automatically requires the record to be -- in this case, it  
9 won=t matter because the record has to be held open anyway  
10 but I=d recommend that they be submitted in advance of the  
11 hearing. Anybody who wants to look at them then, wants to  
12 testify has an opportunity to see them in advance of the  
13 hearing. I think it=s a fairer way to do it for people, for  
14 the community.

15 MR. HUGHES: We=ll do so. Thank you, Mr.  
16 Grossman.

17 MR. GROSSMAN: And by in advance, I mean at least  
18 10 days in advance. Hopefully, with your application so you  
19 don=t have to send out a notice of an amendment.

20 MR. HUGHES: Yes, sir. Thank you.

21 BY MR. HUGHES:

22 Q Ms. Morrison, regarding the Staff Report, there  
23 was some discussion in it about altering the landscape, type  
24 of trees. Would T-Mobile have any objection to doing so?

25 A No objection at all. We=re happy to use the

1 native species.

2 MR. GROSSMAN: And also the height was the other  
3 thing.

4 THE WITNESS: And the height, yes.

5 BY MR. HUGHES:

6 Q Would be at least as tall as the, to cover the  
7 fence in the interior.

8 A Yeah. We plant them usually five to six feet  
9 tall.

10 MR. GROSSMAN: Well, it=s a six-foot fence. I=m  
11 not sure if, I don=t think any of your equipment, other than  
12 the tower, exceeds six feet, does it?

13 THE WITNESS: No.

14 MR. GROSSMAN: Okay.

15 BY MR. HUGHES:

16 Q You=ve been out to the site also, is that correct?

17 A Yes. Several times.

18 Q Is the ground compound visible offsite in any  
19 direction?

20 A The ground compound itself, it=s kind of tucked  
21 into a corner. I don=t see how it could possibly be visible  
22 from another site. We don=t -- another parcel. I mean, I  
23 haven=t traversed private property.

24 Q Okay. If you don=t know, you don=t know.

25 A Right.

1                   MR. GROSSMAN: I wonder if Exhibit 23E, which  
2     would also be 4E on the actual full-size plans, the  
3     landscape plan, and does this specify -- yes. It specifies  
4     the -- so you=d actually have to change this plan and submit  
5     a modified version which would specify the native species  
6     and the height at planting. And if you can, if you would do  
7     that within a few days, that would give Staff and anybody  
8     else the 10 days required to comment on it and we can still  
9     close by October 3, okay?

10                  MR. HUGHES: We will try to do so. Yes, sir.

11                  MR. GROSSMAN: All right.

12                  MR. HUGHES: I think we can do that.

13                  MR. GROSSMAN: All right. So copy, you should  
14     send a copy of it to OZAH and a copy to Staff and a copy to  
15     Mr. Hockstra at the same time?

16                  MR. HUGHES: Can I get your address now or later,  
17     sir, Mr. Hockstra?

18                  MR. HOCKSTRA: Yeah. It=s 2612 Triadelphia.

19                  MR. GROSSMAN: Yes. 2612 Triadelphia Lake Road.  
20     I=m trying to read my handwriting more than two minute after  
21     I wrote something down. It=s in Brookeville, Maryland  
22     20833. So what should we set as a date by which you would -  
23     - today is the 16th of September.

24                  MR. HUGHES: Well, then we=ve got to overnight it  
25     up here. Let=s see. Let=s start with Monday, Tuesday --

1        hopefully by Wednesday. Does that meet our time frame?

2        Wednesday we should be able to. Definitely by Thursday but

3        hopefully, Wednesday.

4                MR. GROSSMAN: Let=s get a calendar here. Okay.

5        So the 16th. Wednesday would be the 21st of September and -

6        - yes. That would be, that would be fine I think so

7        everybody, anybody who had comments, et cetera would make

8        them by October 3.

9                MR. HUGHES: I think we can do that. If for some  
10       reason we=re later than that, would that cause major issues,

11       Mr. Grossman?

12               MR. GROSSMAN: It doesn=t cause any issues for me.

13       I just didn=t, I wanted to keep the record as short a

14       period of time as possible so I can -- as long as anybody

15       has the opportunity, has 10 days in which to comment from

16       the time you file an amended plan, it=s fine with me. So

17       you can take additional time if you need it. You just tell

18       me what that time is. Just pick a day and then we=ll count

19       10 days from that to --

20               MR. HUGHES: Could we add another week just to be

21       safe?

22               MR. GROSSMAN: Sure. All right. So what date do

23       you want to pick for the date, the one in which you submit

24       the revised landscape plan?

25               MR. HUGHES: Thursday the 29th.

1           MR. GROSSMAN: Okay. So 9/29/11, revised  
2     landscape plan to be submitted. And then anybody who has  
3     comments would have to comment by October 10 which is a  
4     Monday, including Technical Staff. And do you want me to  
5     close the record on that date, on the 10th or do you want a  
6     couple days to respond if there=s any additional comment?

7           MR. HUGHES: A few days, please.

8           MR. GROSSMAN: All right. So we=ll then close the  
9     record on 10/13/11 and you can respond to any comments that  
10    are filed within that three day period, right? So it=s --

11          MR. HUGHES: After 10/13 or before?

12          MR. GROSSMAN: No, no. Between 10/10 and 10/13.

13          MR. HUGHES: Yes. Yes, sir.

14          MR. GROSSMAN: Because any comments by Staff or  
15    the public regarding the changed plan will be made by 10/10.

16    It=s only comments regarding that. I=m not leaving the  
17    record open for in general comments because that=s what this  
18    hearing is for, but it=s regarding the changes in the plan  
19    and that=s a requirement of the rule and the case law, that  
20    it be left open for 10 days after any change in the plan.  
21    All right. So applicant response, if any, then the record  
22    close is October 13th. Okay.

23          MR. HUGHES: Thank you.

24          BY MR. HUGHES:

25          Q     Ms. Morrison, in your opinion, is the support

1 structure sited to minimize its visual impact?

2 A Yes. I think it, it is because of the line of  
3 leyland cypress trees, because of its position on the  
4 property, because of the generous setbacks and because it=s  
5 close to the transmission line, existing transmission line.

6 Q I=m going to show you a picture.

7 MR. HUGHES: Let me show Mr. Hockstra first.

8 BY MR. HUGHES:

9 Q Do you recognize these photographs?

10 A Yes. This is --

11 Q I=m sorry. Maybe you can stand up. I don=t have  
12 enough copies.

13 A Say one at a time.

14 Q So Mr. Grossman can see those.

15 A Okay.

16 Q Can you tell us what you see in this picture?

17 A This is a line of transmission towers.

18 MR. GROSSMAN: All right. This is not in the  
19 record yet?

20 MR. HUGHES: No, sir.

21 MR. GROSSMAN: Okay. So we=ll make this Exhibit  
22 31 as photo of -- is this the Pepco --

23 THE WITNESS: The Pepco line.

24 MR. GROSSMAN: Photo of Pepco transmission lines.

25 THE WITNESS: We=re just on the other side. Our



1 property is on the other side. The Sunshine property is on  
2 the other side.

3 MR. GROSSMAN: Okay. The other side to the right  
4 of the photo or to the left of the photo? Which way --

5 THE WITNESS: Oh, sorry.

6 MR. GROSSMAN: Which direction is that taken at?

7 THE WITNESS: If we put the site plan up --

8 BY MR. HUGHES:

9 Q Sorry. Here=s Georgia Avenue.

10 A It=s in this direction.

11 Q Which way do the power lines run, or the right-of-  
12 way run? There=s Georgia. I=m showing it goes north and  
13 south.

14 A Georgia goes north-south. The power lines run  
15 east-west.

16 Q Okay.

17 A So --

18 MR. GROSSMAN: So which direction? Are you facing  
19 east or are you facing west when you took -- did you take  
20 this photo, Ms. Morrison?

21 THE WITNESS: I did not take this photo.

22 MR. GROSSMAN: Who took the photo?

23 MR. HUGHES: I did.

24 MR. GROSSMAN: All right. Well, we ordinarily  
25 don=t have attorneys testify in a case but in special

1 exceptions, you're bound, the applicant is bound by what the  
2 attorney says by statute so you can tell me which direction  
3 were you facing when you took this photo.

4 MR. HUGHES: East.

5 MR. GROSSMAN: All right. And you were standing  
6 where?

7 MR. HUGHES: Just on the west side of Route 97.

8 MR. GROSSMAN: Okay. So you were on the west  
9 side --

10 MR. HUGHES: West side.

11 THE WITNESS: Route 97, looking towards the  
12 towers.

13 MR. HUGHES: Looking down this way.

14 THE WITNESS: The towers.

15 MR. GROSSMAN: All right. Facing east. Okay.

16 MR. HUGHES: Show that to Mr. Grossman.

17 THE WITNESS: Okay.

18 MR. GROSSMAN: Thank you. This will be Exhibit  
19 31.

20 (Exhibit No. 31 was marked for  
21 identification.)

22 BY MR. HUGHES:

23 Q Are you able to identify this photograph?

24 MR. GROSSMAN: When was this taken by the way?

25 MR. HUGHES: Approximately two weeks ago.

1 MR. GROSSMAN: Okay.

2 THE WITNESS: I have not personally seen this  
3 particular tower. This is, I believe, a Pepco transmission  
4 line that illustrates the kind of installation that T-Mobile  
5 would have done had Pepco allowed us to co-locate.

6 MR. GROSSMAN: Okay. Who took that photo?

7 MR. HUGHES: I did.

8 MR. GROSSMAN: All right, Mr. Hughes. And where  
9 is this taken from?

10 MR. HUGHES: This is taken from the same location  
11 looking west.

12 MR. GROSSMAN: I see. So there is a --

13 MR. HUGHES: Right there.

14 MR. GROSSMAN: Okay. Let me -- thank you. So  
15 that will be Exhibit 32.

16 (Exhibit No. 32 was marked for  
17 identification.)

18 MR. GROSSMAN: I see. So this Pepco transmission  
19 tower has cell --

20 MR. HUGHES: Has two.

21 MR. GROSSMAN: Has two on it. Okay. So photo of  
22 Pepco transmission lines with cell antenna. Okay.

23 MR. HUGHES: Thank you.

24 BY MR. HUGHES:

25 Q Is there a co-applicant along with T-Mobile to the

1 special exception?

2 A Yes.

3 Q And who is the co-applicant?

4 A Sunshine Farms.

5 Q And who is Sunshine Farms?

6 MR. GROSSMAN: Sunshine Farms, LLC.

7 THE WITNESS: LLC. Mr. Tade, Andrew Tade

8 (phonetic sp.).

9 BY MR. HUGHES:

10 Q Are they the property owner?

11 A Yes.

12 Q Are you aware that the Code requires that a  
13 structure must be removed if it=s not used for 12 months?

14 A Yes.

15 Q And would T-Mobile agree to do so if approved and  
16 built?

17 A Yes. As part of zoning and as part of the lease.

18 Q Are you aware that the support structure must be  
19 identified by a sign no larger than two square feet --

20 A Yes.

21 Q -- next to it?

22 A Uh-hum.

23 Q If approved, will T-Mobile comply with this?

24 A Yes. There would be no other signage.

25 Q Would T-Mobile agree to maintain this facility in

1 a safe fashion?

2 A Yes.

3 Q Will there be any outdoor storage of equipment  
4 that=s not pertinent and utilized for this facility?

5 A No. The only --

6 Q Inside the compound?

7 A Right. The only equipment inside the compound is  
8 installed. Right.

9 Q The Tower Committee recommendation that=s in the  
10 record, I believe it=s Exhibit --

11 MR. GROSSMAN: Exhibit 7.

12 BY MR. HUGHES:

13 Q -- 7, is it true that that was within 90 days of  
14 the filing of the special exception?

15 A Yes, it was.

16 MR. HUGHES: Can I have one second, Mr. Grossman?

17 MR. GROSSMAN: Sure.

18 MR. HUGHES: Thank you.

19 MR. HUGHES: Those would be my questions for Ms.  
20 Morrison. Thank you, sir.

21 MR. GROSSMAN: Since Ms. Morrison is your last  
22 witness, I noticed that you didn=t ask anything about the  
23 alleged violation on the property and what=s going on with  
24 that. I=d like there to be something telling me what the  
25 status of that is.

1 MR. HUGHES: Okay.

2 MR. GROSSMAN: I'm not going to litigate it here.

3 MR. HUGHES: All right. I apologize. I thought  
4 initially I should have addressed it but I think you asked  
5 if we had any documentation. Fortunately, I don't have any  
6 documentation but I am aware, as Staff noted, that there was  
7 a citation or allegation filed and I haven't done that type  
8 of work in Montgomery County.

9 MR. GROSSMAN: Right.

10 MR. HUGHES: As you said, there's a process. I  
11 don't know where it is. We certainly understood the Staff  
12 Report, of note in it and the recommendation. As you said,  
13 I think that's required anyway but we certainly would --

14 MR. GROSSMAN: You don't have any --

15 MR. HUGHES: No, sir.

16 MR. GROSSMAN: You don't have any problem with  
17 their recommendation.

18 MR. HUGHES: No, sir.

19 MR. GROSSMAN: Okay.

20 MR. HUGHES: I would like to ask, with indulgence  
21 from you, I do have now, if you'd like to consider it, Mr.  
22 Thorne's resume.

23 MR. GROSSMAN: Oh, sure.

24 MR. HOCKSTRA: Is this my copy or do you want me  
25 to --

1 MR. HUGHES: I apologize. My SNAFU in not having  
2 enough for some of the residents who made it here and I  
3 apologize.

4 MR. GROSSMAN: We could make a copy of it if you  
5 want it.

6 MR. HOCKSTRA: Sure. If I could get a copy, that  
7 would be great.

8 MR. GROSSMAN: Yes. Just remind me before we  
9 leave. Okay.

10 MR. HUGHES: Thank you.

11 MR. GROSSMAN: So that will be Exhibit 33, and  
12 that=s Thorne resume.

13 (Exhibit No. 33 was marked for  
14 identification.)

15 MR. GROSSMAN: Okay. Cross-examination?

16 MR. HOCKSTRA: Yes.

17 CROSS-EXAMINATION

18 BY MR. HOCKSTRA:

19 Q How many other sites in the area were considered?

20           A       How many other sites in this area?  There were  
21   probably three other sites.

22            0        Three other sites.

23                    A            Um-hum.

24 Q And any correspondence with, moving forward on any  
25 of those sites?

1           A     Well, the Brown property went as far as going to  
2     the Tower Committee but then the Browns did not want to  
3     proceed with the telecom application. We explored some  
4     other parcels for raw land and those property owners could  
5     have worked in terms of our coverage objectives but the  
6     property owners weren=t interested in moving forward.

7           Q     With Pepco, did you explore with them whether  
8     their property right there by the tower, since you couldn=t  
9     mount it on the tower, you could use property that they  
10    already owned existing closer to their tower?

11          A     That=s a good question. I don=t have evidence for  
12    this particular tower in the record but my knowledge, based  
13    on other cases, when the poles carry that high voltage  
14    lines, it=s the lines that become a problem. That=s the  
15    best answer I can give.

16               MR. GROSSMAN: Well, when you say become a  
17    problem, I think the question was whether you explored with  
18    Pepco siting it closer to their lines and you said you  
19    couldn=t --

20               THE WITNESS: Oh, starting it closer to the lines.

21               MR. GROSSMAN: I think that was your point, right?

22               MR. HOCKSTRA: Right.

23               MR. GROSSMAN: Okay.

24               MR. HOCKSTRA: Well, my point was they have  
25    easement there.



1 MR. GROSSMAN: Right.

2 BY MR. HOCKSTRA:

3 Q Do they have an area of easement where you could  
4 erect a pole not necessarily on top of their tower but next  
5 to it?

6 MR. GROSSMAN: Right. And I --

7 THE WITNESS: Within the right-of-way line.

8 BY MR. HOCKSTRA:

9 Q Correct.

10 MR. GROSSMAN: Yes. Within or close to, closer to  
11 the right-of-way.

12 THE WITNESS: That=s my answer. I=m not sure we  
13 explored a new, some kind of Fort Worth or new monopole  
14 within the line of transmission, but the fact that that  
15 particular line carries the high voltage --

16 MR. GROSSMAN: Means what?

17 THE WITNESS: Means that most likely, we couldn=t  
18 have but I don=t have a definite answer.

19 MR. GROSSMAN: I mean, as they said, Pepco, in  
20 other cases -- are you saying in other cases, you did  
21 explore that possibility with Pepco and they said no because  
22 those lines are high voltage lines? I just want to  
23 understand what you said. You said that there were other  
24 cases, based on your knowledge in other situations, and I=m  
25 trying to find out what you are saying.

1           THE WITNESS:   There=s different kinds of  
2   transmission lines.

3           MR. GROSSMAN:   Right.

4           THE WITNESS:   In the case where there=s high  
5   voltage, they=re treated differently.

6           MR. GROSSMAN:   Yes.   When you said that your  
7   knowledge in other cases with Pepco, were you saying that  
8   you had consulted Pepco about placing facilities not on  
9   their poles but nearer or closer to them than this one is  
10   sited and they said no because they had high voltage lines?  
11   Is that what you=re saying?   I don=t know.   I=m trying to  
12   find out what you=re saying.

13          THE WITNESS:   Yeah.   I know.   I know.   I don=t  
14   think I have enough information with me today to answer that  
15   question.

16          MR. GROSSMAN:   Okay.

17          THE WITNESS:   I=ll just say I don=t know.

18          MR. GROSSMAN:   Okay.

19          BY MR. HOCKSTRA:

20          Q     Do you have any correspondence with you stating  
21   that Pepco won=t let you install the cellular piece on their  
22   tower?

23          A     It=s contained in the special exception petition  
24   in the material on the tower facility, coordinating group.  
25   It cites the specific correspondence.

1           MR. GROSSMAN: Just so -- I don=t think this  
2 gentleman has seen that probably so let=s allow him to.

3           THE WITNESS: You probably have to go back to the  
4 brown monopoly which is also included.

5           MR. HUGHES: That would be probably the third page  
6 from, before Exhibit 8. Tower Committee recommendation  
7 dated 29 June 2009, middle or first, middle paragraph where  
8 it says co-location options.

9           MR. GROSSMAN: Are you showing it to Mr. Hockstra?

10          MR. HUGHES: Yes, sir.

11          MR. GROSSMAN: Okay, good.

12          MR. HOCKSTRA: I see it in writing.

13          BY MR. HOCKSTRA:

14          Q     Do you have a contact person at Pepco that made  
15 that decision?

16          A     Well, I do. I don=t have it with me today. I  
17 forgot it.

18          Q     Okay. Is it possible to do the cell tower on the  
19 south side of Pepco=s utility lines? There=s a pad of  
20 property there.

21          A     On a different property?

22          Q     Yes.

23          A     I don=t know.

24          Q     Did you guys explore that property?

25          A     I don=t know.

1                   MR. GROSSMAN: Well, question. Why don=t you  
2 know?

3                   THE WITNESS: Well, we explored other properties,  
4 explored several other properties. We found this property.  
5 We thought it did a good job of being minimally visual  
6 obtrusive, meeting the setbacks, not having to do a long  
7 driveway to avoid site disturbance. And since it met all  
8 those criteria, we didn=t, we didn=t explore every possible  
9 place to put the tower.

10                  MR. GROSSMAN: No. But I guess the question is  
11 did you explore south of the Pepco lines and your answer was  
12 you don=t know, not that you didn=t explore that particular  
13 site but you don=t know. My question is why don=t you know.  
14 I mean, shouldn=t --

15                  THE WITNESS: If I knew the name of that property  
16 owner, then I would know. I don=t know the name of that  
17 property owner.

18                  MR. GROSSMAN: Mr. Hughes, do we know the name of  
19 that property owner?

20                  MR. HUGHES: I=m not sure which property. If  
21 he=s talking about --

22                  MR. GROSSMAN: South of the --

23                  MR. HUGHES: I don=t know if he=s talking about a  
24 specific property or multiple owners.

25                  MR. HOCKSTRA: No. Right on the right side of the

1     Pepco lines.

2                   THE WITNESS:   Whose property are you talking  
3     about?

4                   MR. GROSSMAN:   I guess it=s listed there.   Isn=t  
5     it listed on the --

6                   MR. HOCKSTRA:   No.   The site plan doesn=t go that  
7     far.

8                   MR. HUGHES:    It just says Pepco=s.

9                   MR. GROSSMAN:   Oh, I see.   It says Pepco=s.   I  
10    mean, the Zoning Ordinance says, and I=m reading from 59-  
11    G2.58(a)4, the support structure must be sited to minimize  
12    its visual impact.   And I guess there=s a question, which is  
13    raised by these questions, as to whether or not that means  
14    minimize it on the site that you=ve chosen or minimize it  
15    over some broader area.   You tell me what your  
16    interpretation is of the Zoning Ordinance.

17                   THE WITNESS:   My interpretation is that to  
18    minimize the view from surrounding residences and from  
19    surrounding roads, we thought that this particular location  
20    satisfied those requirements.

21                   MR. GROSSMAN:   But I think doesn=t the concept of  
22    minimizing mean that you have to minimize it with regard to  
23    what other possibilities exist?   And the question is, once  
24    again, does that section of the Zoning Ordinance, in your  
25    expert opinion, mean minimize it on the site that you=ve

1 chosen or does it mean minimize it over that whole entire  
2 area that might satisfy the needs requirement?

3 MR. HUGHES: Can I just show her the section, Mr.  
4 Grossman?

5 MR. GROSSMAN: Sure.

6 MR. HUGHES: Right there=s the section in case you  
7 wanted to see it.

8 MR. GROSSMAN: To me, that=s the --

9 THE WITNESS: Right. I think it=s both.

10 MR. GROSSMAN: -- sense of Mr. Hockstra=s  
11 question --

12 THE WITNESS: Right.

13 MR. GROSSMAN: -- to raise that question.

14 THE WITNESS: I think first, you find a parcel  
15 that gives you the possibility of siting it so that it  
16 minimizes visibility. So, for example, if there=s a parcel  
17 on a ridge with no vegetation and you=re putting it on the  
18 ridge in the middle of an open field, it doesn=t matter how  
19 you design that structure, whether it=s a tree or a flagpole  
20 or a monopole, it=s going to stick out no matter what.

21 If you can find a parcel that=s not on a ridge but  
22 still high enough to meet the RF objective and has  
23 vegetation on it, that=s further from surrounding homes  
24 where the setback can be more than that and it still  
25 satisfies the, well, as I mentioned, still satisfies the RF

1 coverage objectives, where the landlord is willing to lease  
2 and you can bring in telephone line and build an access  
3 road, that becomes the parcel that satisfies that paragraph.

4 It doesn't mean to me that there=s some other parcel that  
5 could do the same thing but once you find a parcel that does  
6 that and you=re able to site it on the parcel in a sensitive  
7 way which meets the intent of the Zoning regulations, then I  
8 think you=ve satisfied that requirement.

9 MR. GROSSMAN: All right.

10 THE WITNESS: I=m not saying that there=s another  
11 parcel where, that I=ve looked at every parcel.

12 MR. GROSSMAN: All right. Mr. Hockstra?

13 MR. HOCKSTRA: None of this would be pertaining to  
14 her but I=ll ask you --

15 MR. GROSSMAN: Well, ask it.

16 MR. HOCKSTRA: Okay.

17 MR. GROSSMAN: If there=s an objection, I=ll rule  
18 on it.

19 BY MR. HOCKSTRA:

20 Q Are you aware that the piece of property for the  
21 special exemption is in violation of current zoning laws in  
22 Montgomery County?

23 A I=m aware that there=s a citation on the property,  
24 and it=s the property that=s the subject of the special  
25 exception.

1           Q     Are you aware that the property owner will not let  
2     the County onto the property to investigate?  And I can  
3     specifically say that Mark Moran over at the Zoning Office  
4     stated that to me yesterday.

5           MR. GROSSMAN:  Well, you can=t -- you can testify  
6     as to it if you want.  Otherwise, I said that that citation  
7     is not technically something that I can inquire into because  
8     I can=t, I can=t take evidence on the citation and what  
9     their alleged violation is except to the extent that it  
10    pertains to this particular special exception.  If it=s not  
11    on the land that they are using for the special exception  
12    and it doesn=t in some way impact on this special exception  
13    and doesn=t affect their ability to comply with the statute  
14    regarding this special exception, it=s not before me.

15           Not to say that it=s not going to be pursued  
16    because it is and there will be a condition, as there always  
17    is in every special exception by this Board of Appeals, I  
18    mean, they make the final decision on it but they have, in  
19    the past, put a condition on that all, that the applicants  
20    must comply with all County, Federal and State regulations.

21    And in this particular type of special exception, the  
22    landowner is an applicant, must be an applicant.  So I think  
23    it will end up being covered by that but I can=t litigate  
24    out whether or not there is a violation here or whether or  
25    not they are complying with requirements for access or



1 anything like that.

2 And if a special exception is granted here, they  
3 will be required to allow access to the Department of  
4 Permitting Services of inspection of this site and that is,  
5 or there will be a complaint filed by DPS with the Board of  
6 Appeals against them and they=ll have to defend the, you  
7 know, a possible penalty of losing the special exception.

8 BY MR. HOCKSTRA:

9 Q Why did the Brown property fall through?

10 A The Brown owners were interested in pursuing  
11 subdivision of the property. I don=t know if they  
12 proceeded. It was a contractual decision.

13 MR. HOCKSTRA: All right. No further questions.

14 MR. GROSSMAN: Any redirect?

15 MR. HUGHES: Just very briefly. Yes, sir.

16 REDIRECT EXAMINATION

17 BY MR. HUGHES:

18 Q Is it true, Ms. Morrison, that if the site was  
19 moved to the south, while it would be further away from Mr.  
20 Hockstra, it would be closer to people to the south?

21 A Yes.

22 Q So the same thing. If it was moved to the west,  
23 it might be further away from people who live to the east  
24 but closer to the people to the west?

25 A Yes.

1 MR. HUGHES: That=s all. Thank you.

2 MR. GROSSMAN: Any recross on that point?

3 RECROSS-EXAMINATION

4 BY MR. HOCKSTRA:

5 Q Is it true that if the cell tower wasn=t even  
6 there, it wouldn=t matter to the people to the east, the  
7 west, the south, the north?

8 MR. HUGHES: Objection.

9 MR. GROSSMAN: No. I=ll let her ask that question,  
10 answer that question.

11 THE WITNESS: Except to the extent that they make  
12 phone calls.

13 MR. GROSSMAN: It=s a self-answering question.

14 THE WITNESS: They couldn=t complete the call.  
15 Right.

16 MR. GROSSMAN: It=s a rhetorical question if you  
17 will.

18 MR. HOCKSTRA: No further questions.

19 MR. GROSSMAN: Okay. Thank you, Ms. Morrison.  
20 Does that complete your case?

21 MR. HUGHES: Yes. Other than, obviously, the  
22 exhibits. I don=t know if you want me to ask to take them  
23 in now or if you=d prefer to do that at the very end.

24 MR. GROSSMAN: Do you have any exhibits that  
25 you=re going to be submitted?

1 MR. HOCKSTRA: No. Not right today.

2 MR. GROSSMAN: Okay. All right. Then do you wish  
3 to move in the exhibits?

4 MR. HUGHES: Yes, sir.

5 MR. GROSSMAN: All right. Any objection to any of  
6 the exhibits, Mr. Hockstra?

7 MR. HOCKSTRA: When you say the exhibits, you  
8 mean --

9 MR. GROSSMAN: It=s Exhibits 1 -- everything  
10 that=s in the, that=s been introduced in the file. Those  
11 that have been previously filed and those that have been  
12 introduced today, Exhibits 1 through 33 and their subparts  
13 he=s moving into evidence. Nothing is in evidence until it  
14 gets moved in at this hearing and so the question is whether  
15 you have an objection to any one of those exhibits. And of  
16 course, there will also be the revised landscape plan when  
17 it is submitted will also be admitted into evidence.

18 MR. HOCKSTRA: No. I have no objection.

19 MR. GROSSMAN: Okay. All right. Then Exhibits 1  
20 through 33 and their subparts are admitted into evidence and  
21 the revised landscape plan and any comment thereon, which  
22 will be filed after the hearing, will also be admitted into  
23 evidence.

24 (Exhibit Nos. 1 through 33 were  
25 received into evidence.)

1                   MR. GROSSMAN: All right. Then do you wish to  
2     make a statement yourself, sir? And you=re already under  
3     oath so you may testify freely here.

4                   DIRECT EXAMINATION

5                   THE WITNESS: As an adjacent property owner, I do  
6     not see the need for a cell tower in my backyard. I built  
7     this house because of the pristine views and beautiful  
8     horizons. If I knew a cell tower was going to be built in  
9     my backyard, I would never have bought the property and  
10    built my house here. Brookeville is a historical town in a  
11    rural setting and this will be a visual pollutant to all the  
12    people that pass through it and enjoy the Triadelphia Lake  
13    recreational area.

14                  MR. GROSSMAN: Let me ask you, speaking of that,  
15    how far you are, how far your home is from the cell tower  
16    location. Now, we know that you=re slightly off the map  
17    here.

18                  THE WITNESS: My house is in one of those  
19    pictures.

20                  MR. GROSSMAN: Pardon?

21                  THE WITNESS: My house is in one of those  
22    pictures.

23                  MR. GROSSMAN: Oh, which one of those pictures?  
24    Let=s see which one of these pictures is your house in?

25                  THE WITNESS: The one on the right side.

1 MR. HUGHES: This one, Mr. Hockstra?

2 THE WITNESS: Correct.

3 MR. GROSSMAN: All right. So which exhibit is  
4 that?

5 MR. HUGHES: That -- what=s the photos, 10? I  
6 think it=s 10. Is that right? I think it=s 10, and then  
7 it=s the one 2612 Triadelphia Lake Road. Is that your  
8 address?

9 THE WITNESS: Correct.

10 MR. GROSSMAN: Okay. So hold on a second. Let me  
11 -- 2612. Okay. Got it. All right. So that=s actually a  
12 photograph from your home or right close to it. And is that  
13 your home in the left side of the photograph there?

14 THE WITNESS: Yes. That=s my mailbox and that=s  
15 my home.

16 MR. GROSSMAN: All right. And so from your home,  
17 from there, you see the Pepco transmission lines and you  
18 will see the south tower as depicted in Exhibit 10F, is that  
19 correct?

20 THE WITNESS: Certain locations I can see the  
21 Pepco lines.

22 MR. GROSSMAN: Right. Well, I mean the one  
23 that=s --

24 THE WITNESS: But this will be 500 feet closer  
25 towards my house.

1                   MR. GROSSMAN: The one that=s depicted. So  
2   that --

3                   THE WITNESS: Correct.

4                   MR. GROSSMAN: Let=s see. The distance is almost  
5   exactly a quarter of a mile. You=re almost exactly a  
6   quarter of a mile from the site. Okay. Well, that does  
7   give us a good idea. I=m glad you have that photo of, to  
8   the extent to which it imposes on your view. Okay.

9                   THE WITNESS: I thought you were going to ask  
10   about the Triadelphia Lake rec area or just my house.

11                  MR. GROSSMAN: I actually wasn=t. I was going to  
12   let --

13                  THE WITNESS: Okay.

14                  MR. GROSSMAN: You=re testifying and saying  
15   whatever you want and then --

16                  THE WITNESS: For Mr. Thorne to state that the  
17   cell tower will not have a negative impact on my property  
18   value is naive at best. I do not see how it will increase  
19   my property value and in a tough real estate market, I=m not  
20   sure if my house would even be able to sell with that cell  
21   tower in my backyard.

22                  MR. GROSSMAN: Well, you say in your backyard. It  
23   is a quarter of a mile away.

24                  THE WITNESS: That=s in my backyard. I see it.

25                  MR. GROSSMAN: Okay. It=s within your view.

1 THE WITNESS: In my view.

2 MR. GROSSMAN: It=s not technically in your  
3 backyard.

4 THE WITNESS: Okay.

5 MR. GROSSMAN: Okay.

6 THE WITNESS: In my view. Now, I=m hoping that,  
7 you know, T-Mobile can maybe come up with an agreement with  
8 Pepco to move their cell tower onto either their property,  
9 their easement closer to the high voltage lines, and I=m  
10 hopeful that Montgomery County and the Board will protect  
11 the property owners and citizens of Montgomery County.  
12 Thank you.

13 MR. GROSSMAN: All right. Cross-examination?

14 MR. HUGHES: Thank you. Just a few questions.

15 MR. GROSSMAN: Sure.

16 MR. HUGHES: Yes, Mr. Grossman. Thank you.

17 CROSS-EXAMINATION

18 BY MR. HUGHES:

19 Q Mr. Hockstra, do you use wireless technology?

20 A Yes.

21 Q What type of wireless technology do you use?

22 A I use a cell phone.

23 Q In your household, is there more than one cell  
24 phone utilized?

25 A Yes.

1 Q How many cell phones?

2 A Two.

3 Q Two. You said you built your house about five  
4 years ago, is that correct?

5 A Yes.

6 Q When you purchased the land and bought it, were  
7 the Pepco lines already back there?

8 A Yes.

9 Q So you could see those from your property when you  
10 purchased the house and when you built the house?

11 A At certain locations when you walk towards the  
12 back of my property, you can see the Pepco lines.

13 Q Aren't they unobstructed views from the back there  
14 to the Pepco lines?

15 A No. They're not unobstructed views.

16 Q Are there telephone poles on Georgia Avenue  
17 leading up to your house?

18 A Yes.

19 Q Any idea how many lines are running between those  
20 poles to poles?

21 A No.

22 Q Any idea how far apart those poles are?

23 A No.

24 Q Would you be surprised if there was a telephone  
25 pole about every 150 feet out there?



1           A     No, I wouldn=t.

2           Q     The telephone poles, they didn=t concern you when  
3     you bought the house and built the house either, is that  
4     correct?

5           A     No, they did not. I needed power to operate the  
6     house, and they=re probably only 35 feet tall.

7           Q     Is it true that they=re, pole after pole is strung  
8     together with multiple lines though, is that correct?

9           A     Yes.

10          Q     But you really don=t observe those, is that true?

11          A     I -- you can see them right there in the picture.

12          Q     Do you know the term Animby@?

13          A     No.

14                MR. GROSSMAN: I don=t know that I=m going to  
15     allow that kind of line of cross-examination.

16                MR. HUGHES: Okay.

17                MR. GROSSMAN: How does that help you, whether he  
18     knows what nimby means?

19                MR. HUGHES: I was going to explain what the  
20     impact is if you have it in one place but you suggest it be  
21     moved to another place.

22                MR. GROSSMAN: All right. Well, tell him what it  
23     means then.

24                MR. HUGHES: Okay.

25                BY MR. HUGHES:

1           Q     The term nimby stands for, it=s used a lot in land  
2     use, stands for not in my backyard. So I guess the question  
3     would be do you recognize, you=re suggesting it be moved  
4     somewhere else nearby, that if it=s moved somewhere else, it  
5     potentially could be more closer to other homes and other  
6     people=s views?

7           A     I=m saying if you co-locate it over closer to the  
8     Pepco, then I wouldn=t have as big of an issue because I=d  
9     barely, if any, from walking around my house, do I see the  
10    Pepco lines.

11          Q     The question --

12          A     As you can see in your picture, your tower is  
13    probably 20 feet taller than the Pepco lines.

14          Q     All right. But the question is do you realize  
15    that that would move it closer to other people=s homes and  
16    their views?

17          A     No.

18                MR. GROSSMAN: Well, do we know in the record that  
19    there are other people=s homes that are on the other side of  
20    the Pepco --

21                MR. HUGHES: Well, I guess I=m asking him that  
22    question. If he lives out there, if he --

23                THE WITNESS: Oh, yes. There are other houses.

24                MR. GROSSMAN: Just south of the Pepco lines?

25                THE WITNESS: Yes.

1 MR. GROSSMAN: Okay.

2 MR. HUGHES: Those would be my questions. Thank  
3 you, Mr. Grossman.

4 MR. GROSSMAN: All right.

5 THE WITNESS: To rebutte, I have a cell phone.

6 MR. GROSSMAN: You can redirect yourself.

7 REDIRECT EXAMINATION

8 THE WITNESS: I have a cell phone. I have two of  
9 them in my house. I=m also a business owner. And I work  
10 out of my house sometimes and I have coverage, full coverage  
11 inside my house when I walk around, you know, outside my  
12 house so I=m not sure what the need is. Do I have proof on  
13 what the T-Mobile coverage is? My service is not T-Mobile.  
14 Some of my workers do have T-Mobile and I have double-  
15 checked that if, you know, I don=t know what documentation  
16 you would need me to provide to the Board in order to see  
17 that.

18 MR. GROSSMAN: Well, this is your opportunity to  
19 present --

20 THE WITNESS: Okay.

21 MR. GROSSMAN: -- any evidence that you have.

22 THE WITNESS: Right now, it would just be my  
23 testimony.

24 MR. GROSSMAN: And your testimony about -- I  
25 understand that you don=t, that you have coverage but some

1     other, other than T-Mobile and that=s the issue. T-Mobile  
2     is entitled to have sufficient coverage.

3             THE WITNESS: My workers come to my house to work  
4     and they have T-Mobile coverage when they=re inside my  
5     house, when they=re outside my house. What their coverage  
6     is driving down the road, I do not know.

7             MR. GROSSMAN: Okay.

8             THE WITNESS: So to say that you need a pole right  
9     there to fulfill your coverage need, I=m little in doubt  
10    that that=s really why you need it.

11            MR. GROSSMAN: Okay.

12            THE WITNESS: And, you know, I have a land line as  
13    a primary line in the house, you know. I use my cell phone,  
14    you know, either for business or usually when I=m not at my  
15    house.

16            MR. GROSSMAN: Right. Okay.

17            THE WITNESS: As per the telephone lines, I don=t  
18    know if you can say that a telephone pole in my front yard  
19    is the same thing as a 120 foot tower in the backyard, or on  
20    the adjoining property that I see in my view.

21            MR. GROSSMAN: Okay.

22            THE WITNESS: To compare the two and say they=re  
23    identical or similar, they=re totally different from the  
24    respects of your site plan, your pictures and, you know,  
25    that it provides me electricity in order for me to live

1     there.  If I didn=t have that electricity, the house  
2     wouldn=t even be possible.  There=s already phones that are  
3     capable land lines there, you know, that are able to operate  
4     in my house.

5                 MR. GROSSMAN:  Any recross?

6                 MR. HUGHES:  Just a few, please.

7                 MR. GROSSMAN:  Okay.

8                         RE CROSS EXAMINATION

9                 BY MR. HUGHES:

10                Q     Mr. Hockstra, what kind of business do you own?  
11     You mentioned you --

12                A     Construction.

13                Q     Construction.  And how many of your, you mentioned  
14     employees, how many of your employees, approximately, have  
15     wireless phones?

16                A     Two.

17                Q     Two.  And you mentioned that they come to do work  
18     at your, do work with you at the house, is that correct?

19                A     Correct.

20                Q     Does that kind of work at your house require any  
21     business license?

22                A     Yes.

23                 MR. GROSSMAN:  What=s the relevance of that?

24                 THE WITNESS:  They come by to pick up their  
25     checks.

1           MR. HUGHES: Well, he was questioning activities  
2   on the subject property so I was just trying to understand  
3   if there=s any activity, requirements in order to do that  
4   work.

5           MR. GROSSMAN: How is that relevant to this --

6           THE WITNESS: I=m not putting a cell tower up in  
7   my yard.

8           MR. GROSSMAN: Hold it, Mr. Hockstra.

9           MR. HUGHES: Well, it goes to credibility.

10          MR. GROSSMAN: How does that go to credibility,  
11   whether he has, is required to have a license --

12          MR. HUGHES: To operate --

13          MR. GROSSMAN: -- at his house.

14          MR. HUGHES: He brought it up on his testimony so  
15   I=m --

16          MR. GROSSMAN: How does -- he brought up the  
17   question of workers having cell coverage.

18          MR. HUGHES: And come into his house to do work.

19          MR. GROSSMAN: And they come to his house. How  
20   does whether he has a license for that bear on credibility  
21   or anything in this case?

22          MR. HUGHES: I think it does bear on credibility  
23   whether you=re following the rules and laws. He may be. I  
24   was just asking the question.

25          MR. GROSSMAN: It has nothing whatever to do with

1     this case, Mr. Hughes.

2                 MR. HUGHES:   Okay.

3                 MR. GROSSMAN:   I=m not going to --

4                 MR. HUGHES:   I will respect your decision  
5     obviously.

6                 MR. GROSSMAN:   -- try to intimidate a witness by  
7     that.

8                 MR. HUGHES:   I=m sorry.   What?

9                 MR. GROSSMAN:   We=re not going to try to  
10    intimidate a witness by whether he has a license or not  
11    because he came to testify about something, a cell tower  
12    that=s going up in his area.

13                MR. HUGHES:   I=m sorry you -- I was not trying to  
14    intimidate.   I was trying to ask what I viewed as a  
15    legitimate question.   I hear your response and I=m stopping.

16                MR. GROSSMAN:   All right.

17                BY MR. HUGHES:

18                Q     Mr. Hockstra, are you aware that when telephone  
19    poles first started going up that people fought the  
20    telephone poles going up?

21                A     No.   I was not aware of that.

22                Q     Okay.   But you noted that obviously, power to  
23    people=s homes is pretty valuable and essential in a lot of  
24    cases.   That=s why you said, you know, you=re okay with the  
25    telephone poles so you can have power to your house, is that

1 correct?

2 A The County will not let you build a house unless  
3 there is power to the house.

4 Q Okay. But you see it as valuable, having power to  
5 your house?

6 A Yes.

7 Q Okay. Do you believe that a lot of people think  
8 wireless is almost like a utility and also very valuable to  
9 have reliable service?

10 A People feel -- I don't understand the question.

11 Q Okay. I apologize. So you believe that power is  
12 a valuable asset. And I guess my question is then do you  
13 believe that wireless services are also a valuable asset?

14 A Yes.

15 Q Okay.

16 MR. HUGHES: Those are my questions. Thank you.

17 MR. GROSSMAN: Okay. All right then. Do you  
18 have, Mr. Hockstra, do you have any exhibits that you wish  
19 to submit?

20 MR. HOCKSTRA: No.

21 MR. GROSSMAN: Okay. All right then. Does  
22 anybody else have anything further that needs to be heard  
23 today? All right then. Once again, by September 29, 2011,  
24 the applicant will submit a revised landscape plan, and by  
25 October 10, 2011, Technical Staff and any members of the



1 public who wish to comment just on that revisions to the  
2 plan can respond, and by October 13, the applicant can  
3 respond to any comments and the record will close the close  
4 of business on October 13, 2011.

5 I might suggest, Mr. Hughes, that you talk to Mr.  
6 Hockstra and see if there=s some, before you do the  
7 landscape plan, if there=s some kind of screening that might  
8 be helpful in this regard regarding his view of the proposed  
9 cell tower. And then if there is, consult with Technical  
10 Staff as to whether or not any such screening would be  
11 appropriate.

12 MR. HUGHES: Okay. Thank you.

13 MR. GROSSMAN: That might ameliorate the  
14 situation. All right. Is there anything further?

15 (No audible response.)

16 MR. GROSSMAN: Then we are adjourned.

17 MR. HUGHES: Thank you.

18 (Whereupon, at 2:43 p.m., the proceedings were  
19 concluded.)

20

21

22

23

24

25

% Digitally signed by Josephine Hayes

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Petition of T-Mobile Northeast, LLC and Sunshine Farms, LLC

Case No. S-2811

OZAH No. 11-35

By:

*Josephine Hayes*

\_\_\_\_\_  
Josephine Hayes, Transcriber